



CANDIDATE FILING GUIDE



PRIMARY ELECTION JUNE 3, 2008

**Compiled by
San Diego County Registrar of Voters**

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IMPORTANT NOTICE
Public Review Period Set
for the
June 3, 2008
PRIMARY ELECTION

State law provides for a "public review period" of all candidates' ballot occupational designations, candidates' statements of qualifications, ballot measure analyse, arguments, rebuttals and other materials before printing the Sample Ballot and Voter Information Pamphlet.

The California Elections Code further defines this review period, with a distinct period for each document filed with the Registrar of Voters.

During this period, any voter who believes any portion of these materials to be false, misleading or inconsistent with state law may seek a writ of mandate or injunction requiring any or all of the material to be amended or deleted.

These periods are as follows:

Ballot Occupational Designations for *Local Candidates

March 10 to March 19:	Candidates filed by March 7
March 13 to March 24:	Candidates filed by March 12 (during the 5-day extension)

Candidates' Statements of Qualifications for *Local Offices

March 10 to March 19:	Statements filed by March 7
March 13 to March 24:	Statements filed by March 12 (during the 5-day extension)

County Counsel's Impartial Analysis of Local Propositions

March 18 to March 27	Analysis due by March 17
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Ballot Arguments "in Favor of" or "Against" Local Propositions

March 20 to March 31	Arguments due by March 19
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Rebuttals to Ballot Arguments "in Favor of" or "Against" local propositions

March 28 to April 7	Rebuttals due by March 27
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* The following offices should contact the Secretary of State for deadlines:
Congress, State Senate and State Assembly

NOTE:

The dates for any of the incorporated/charter cities may be different.
Please contact each City Clerk for details.

All documents will be available for public review
at the Registrar of Voters Office during regular business hours.

COUNTY OF SAN DIEGO - REGISTRAR OF VOTERS

5201 Ruffin Road, Suite I
San Diego, California 92123
www.sdvote.com

Office Hours: 8 a.m. to 5 p.m.; Monday through Friday (excluding state holidays)

ELECTION GUIDE

This Candidate Filing Guide has been prepared to assist candidates in preparing for the election on June 3, 2008. This guide is not all encompassing; it merely summarizes the major provisions related to candidates running for office in San Diego County. Candidates, political committees, and anyone interested in elective office should not, therefore, rely solely on this guide, but should contact the Registrar of Voters Office for more detailed information, or seek legal counsel.

An informational campaign services seminar will be held on March 20, 2008. Candidates and campaign representatives may wish to attend. (See Page 67 for details.)

Staff from the State Fair Political Practices Commission (FPPC) will be here in San Diego on March 27, (7 to 9 pm) to conduct a seminar on state and local campaign disclosure requirements. (See Page 70 for details.)

For further information or more detailed explanations, please call the numbers listed below:

Section	Telephone Number
Mail Ballot Voting.....	(858) 565-5800
Candidate Filing	(858) 694-3405
Election Day and Night	(858) 565-5800
Financial and Campaign Disclosure	(858) 694-3407
Maps.....	(858) 565-5800
Precincts/Polls.....	(858) 565-5800
Voter Registration.....	(858) 565-5800

The cities of Chula Vista and San Diego will also consolidate their regularly scheduled elections with the Primary Election. For information and filing requirements for offices in those cities, please contact each City Clerk at the following numbers:

City	Telephone Number
Chula Vista	(619) 691-5041
San Diego.....	(619) 533-4025

NOTICE

No duty is imposed upon the Registrar of Voters to determine whether a candidate meets the requirements for holding office. The Declaration of Candidacy that each candidate must sign states that the candidate meets the statutory and/or constitutional qualifications for office including, but not limited to, citizenship, residency, and party affiliation, if required.

“MUST KNOW” ITEMS FOR THE JUNE 3, 2008 PRIMARY ELECTION

✓ **Candidate/Treasurer Seminar**

Staff from the state Fair Political Practices Commission (FPPC) will be here in San Diego County on March 27 to conduct a seminar on state and local campaign disclosure requirements. This is a great opportunity for candidates and treasurers to learn the basics and ask questions of the experts. See Page 70.

✓ **Registrar’s Campaign Services Seminar**

Learn what products and services are available from the Registrar of Voters for your campaign. The seminar will be held on March 20 at 10 a.m. and repeated at 6 p.m. See Page 67.

✓ **Declaration of Intention Re-Instated for Superior Court Judges**

It’s back, but just for judges. The “Declaration of Intention” previously required for all state offices and judges was eliminated in 2003 but reinstated for **JUDGES ONLY** by Ch. 466 which added Elections Code section 8023 to require candidates for superior court judge to file a declaration of intention. See Page 28.

✓ **Extension of the Nomination Period for Congressional Candidates**

Finally! For years, the nomination period has extended for other partisan offices if the incumbent failed to file, but no similar provision existed for congressional candidates. In 2006, Ch. 152 amended Elections Code section 8022 to provide that if an incumbent member of the House of Representatives or US Senate fails to file his or her nomination papers, there is a five-day extension of the filing period for anyone other than the incumbent. See Page 16.

✓ **Candidate Statements of Qualifications for State Legislative Candidates**

Candidates for State Senate and State Assembly will be allowed to submit a Statement of Qualifications, **IF** the provisions of Prop 34 are met. Candidates must agree to: 1) contribution limits, 2) format restrictions, and 3) pay for the statement. See Page 52.

✓ **Terminology Change for “Absentee” Ballots – Now “Vote by Mail”**

Ch. 508, Statutes of 2007 changes all references to “Absentee” voting in the Elections Code to “Vote by Mail.”

✓ **Name Change for the Republican Party of California – Now “California Republican Party”**

Ch. 60, (2007 statutes) changes all references to the Republican Party of California to the “California Republican Party.”

✓ **Ballot Designation Worksheet**

California Elections Code Sec. 13107.3 has been amended to require each candidate to submit a “Ballot Designation Worksheet” along with their nomination papers. On this form the candidate will provide justification and documents (if any) to allow the specific designation requested. See Page 38.

✓ **Daily Candidate List Available “On-Line”**

A list of candidates that have taken out and/or filed nomination documents with the San Diego County Registrar of Voters for offices appearing on the June 3, 2008, Primary Election ballot will be updated daily and posted on the Registrar’s website. Beginning approximately February 1, this list will be available mid-morning each day and will contain information through 5:00 p.m. the previous business day. Candidates for the various city offices throughout the county will be added to the list on March 17. A certified list from the Secretary of State will be available the first week of April. This Secretary of State list will also include candidates for Congress and the state legislature who reside (and filed for office) in another county for an office whose district boundaries overlap into San Diego County.

✓ **Spanish, Filipino & Vietnamese Translation**

All sample ballot pamphlet text is translated into Spanish, Filipino and Vietnamese. In addition to receiving an English sample ballot pamphlet, registered voters may request a pamphlet in Spanish, Filipino or Vietnamese. Also, registered voters who were born in hispanic speaking countries, the Philippines, or Vietnam, will also be sent a pamphlet in the language of the country in which they were born. This action is in compliance with the Federal Voting Rights Act Extension of 2002. On Election Day, Spanish, Filipino and Vietnamese sample ballot pamphlets will be available at every polling location.

✓ **“Crossover” Voting allowed for Nonpartisan/Decline to State Voters**

Some of the qualified political parties may permit unaffiliated (aka: Decline to State or Nonpartisan) voters to request their party ballot for the Primary Election. The parties must inform the Secretary of State of their decision no later than January 21.

✓ **Candidate’s Statement of Qualifications**

As in prior years, candidates will be allowed to “enhance” their candidate’s statement with the following: **Bold**, **ALL** **CAPITOL** **LETTERS**, underlining, or **ANY COMBINATION**. However, no more than 50% of the words may have this enhancement.

✓ **State or county central committee members or officers are not considered “elective” offices.**

Therefore, more than three words cannot be used on the ballot to describe these positions. See Page 37.

KNOW OF AN ELECTION VIOLATION?

Here's Who to Call

In response to the many inquiries we receive regarding possible election violations or fraud, a list has been compiled regarding who to contact for the various types of violations.

The San Diego County Elections Department is **NOT** an enforcement agency and is therefore unable to investigate any violations. Reports of violations should be referred to the agencies listed below:

- False or misleading campaign materials: No agency enforcement; these issues are dealt with in court.
- Violations of the Political Reform Act (Title 9 of the California Government Code in Sections 81000 through 91015), i.e. mass mailing requirements; slate mailers; campaign disclosure; proper use of campaign funds; disclosure of economic interests: Contact the Fair Political Practices Commission at www.fppc.ca.gov, 800-561-1861.
- Election fraud: Contact the Registrar of Voters Office, 858-565-5800 or 800-696-0136, the District Attorney, 619-531-4051, or the California Secretary of State at www.sos.ca.gov, 916-657-2166.
- Unlawful use of public funds, violations of the Elections Code, the Penal Code, or any laws other than the Political Reform Act: Contact the District Attorney, 619-531-4051, or the California State Attorney General at www.caaq.state.ca.us, 800-952-5225.
- Federal campaigns, Congress, U.S. Senate, President of the United States, etc.: Contact the Federal Election Commission at www.fec.gov, 800-424-9530.
- Open meeting laws (Brown Act): Contact the District Attorney, 619-531-4051, or the California State Attorney General at www.caaq.state.ca.us, 800-952-5225.
- Local ordinances: Contact your local city attorney or the District Attorney, 619-531-4051.
- Vandalism: Contact your local police department or the sheriff, as appropriate.
- Requirements concerning campaign signs: See the list of contacts in the Candidate Filing Guide.

FEDERAL / STATE / LOCAL ENFORCEMENT OFFICES	
Fair Political Practices Commission P.O. Box 807 (95812-0807) 428 J Street, Suite 450 Sacramento, CA 95814 Phone: 866-275-3772 FAX: 916-322-0886 Reporting Enforcement Violations 800-561-1861	Secretary of State Political Reform Division 1500 11 th Street, Room 495 Sacramento, CA 95814 Phone: 916-653-6224 FAX: 916-653-5045 Elections Division 916-657-2166
Federal Election Commission 999 E Street, NW Washington, DC 20463 Phone: 800-424-9530 For the hearing impaired, TTY 202-219-3336	Attorney General P.O. Box 944255 Sacramento, CA 94244-2550 Phone: 916-445-9555/800-952-5225
San Diego County District Attorney's Office 330 West Broadway San Diego, CA 92101 Phone: 619-531-4051 FAX: 619-237-1351	

2008

January 2008

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

February 2008

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

March 2008

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

April 2008

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

May 2008

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

June 2008

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

July 2008

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

August 2008

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

September 2008

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

October 2008

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November 2008

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

December 2008

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

CALENDAR OF EVENTS

PRIMARY ELECTION – JUNE 3, 2008

The Campaign Disclosure schedule is on the page following this calendar.

DATE	DAYS BEFORE ELECTION	EVENT
December 28, 2007	158	PETITIONS IN LIEU OF FILING FEE – FIRST DAY First day Registrar of Voters can issue Petition in Lieu of Filing Fee forms. (E.C. Sec. 8106) Note: Does not apply to San Diego Unified School District candidates.
January 24, 2008	131	STATE MEASURES Last day for a statewide measure to qualify for the June ballot.
January 28	127	DECLARATION OF INTENTION - FIRST DAY First day to file a Declaration of Intention. This is required for Superior Court candidates <u>only</u> . (Must be accompanied by either payment of filing fee and/or petitions in lieu of filing fee. The filing fee is non-refundable.) (E.C. Sec. 8023)
February 6	118	DECLARATION OF INTENTION - LAST DAY Last day for Superior Court candidates to file a Declaration of Intention. (E.C. Sec. 8023)
February 11	113	DECLARATION OF INTENTION - EXTENSION Last day of extension for filing Declaration of Intention if incumbent has not filed by February 6. Extension does not apply to incumbents. (E.C. Sec. 8024)
February 11	113	NOMINATION PERIOD - FIRST DAY Nomination forms to be <u>issued</u> upon payment of filing fee (either by check and/or petitions in lieu of filing fee). (E.C. Sec. 8020) Note: Candidates for San Diego Unified School District pay filing fee when nomination papers are <u>returned</u> .
February 21	103	PETITIONS IN LIEU OF FILING FEE - LAST DAY Last day to submit <u>initial</u> petitions in lieu of filing fee. (This date does not apply to candidates for San Diego Unified School District whose petitions are due by March 7 with other documents.) The Registrar of Voters has 10 days in which to verify the signatures. (E.C. Sec. 8106)
March 7	88	FINANCIAL AND CAMPAIGN DISCLOSURE Last day to submit Statement of Economic Interest - Form 700 (where applicable). (Gov. Code Sec. 87200, 87201, 87500)
March 7	88	NOMINATION PERIOD - LAST DAY (E.C. Sec. 8020, 10407)
March 7	88	PETITIONS IN LIEU OF FILING FEE - SUPPLEMENTAL FILING Last day to file with the Registrar of Voters <u>supplemental</u> signatures or pay a pro-rata portion of the filing fee to cover any deficiency. (E.C. Sec. 8106) Note: Does not apply to San Diego Unified School District candidates.
March 7	88	PETITIONS IN LIEU OF FILING FEE - LAST DAY Last day for candidates for San Diego Unified School District to submit petitions in lieu of filing fee. (Supplemental filings are not allowed.)
March 7	88	LOCAL MEASURES - SCHOOLS, SPECIAL DISTRICTS, CITIES AND COUNTY Last day to receive a resolution from local jurisdictions (schools, special districts, cities or county) for a measure to appear on the ballot. (Ed. Code Sec. 5322, E.C. Sec. 10403)

CALENDAR OF EVENTS (Continued)

DATE	DAYS BEFORE ELECTION	EVENT
March 12	83	NOMINATION PERIOD - EXTENSION Last day of extension for filing nomination documents if incumbent has not filed by March 7. Extension does not apply to County Central Committee/County Council or to an incumbent for <u>any</u> office or for offices in which the incumbent is prohibited from seeking re-election due to term limits. (E.C. Sec. 8024)
March 13	82	RANDOM ALPHABET There shall be a random drawing of the alphabet at 11 a.m. to determine the order in which candidates' names appear on the ballot. (E.C. Sec. 13112)
March 17	78	SUPERIOR COURT WRITE-IN CAMPAIGN Last day to file a petition indicating a write-in campaign will be conducted for an unopposed judicial office. (E.C. Sec. 8203)
March 20	75	CAMPAIGN SERVICES SEMINAR - 10 a.m. OR 6 p.m. Two hour seminar to explain the products/services available from the Registrar of Voters. The seminar will be held in the Conference Room at the Registrar of Voters Office. See Page 67 for details.
March 27	68	CANDIDATE/TREASURER SEMINAR - 7 p.m. to 9 p.m. A two-hour seminar presented by the Fair Political Practices Commission to explain the rules/regulations for campaign financial reporting. See 70 for details.
April 7	57	WRITE-IN CANDIDATES First day for a person desiring to be a qualified write-in candidate to file the required documents with the Registrar of Voters. Superior Court candidates, please see the entry for March 17. (E.C. Sec. 8601)
April 24 through May 24	40 - 10	MAIL SAMPLE BALLOTS Between these dates the Registrar of Voters will mail sample ballots or notification of polling place. (E.C. Sec. 13300 – 13304)
May 19	15	VOTER REGISTRATION DEADLINE Last day to register to vote in the June Primary Election. (E.C. Sec. 2102)
May 5 through May 27	29-7	MAIL BALLOT VOTING - BY MAIL OR IN PERSON Between these dates written applications for mail ballots will be processed by the Registrar of Voters. Applications received prior to May 5 will be held and processed during this period. (E.C. Sec. 3001)
May 20	14	WRITE-IN CANDIDATES - LOCAL OFFICES Last day for a person desiring to be a qualified write-in candidate to file the required documents with the Registrar of Voters. (E.C. Sec. 8601)
May 28 through June 3	6-0	MAIL BALLOT VOTING - IN PERSON ONLY During this period mail ballots are available at the Registrar of Voters Office when conditions prevent voting at a polling place. A written application signed by the voter under penalty of perjury is required. (E.C. Sec. 3021)
June 3	0	ELECTION DAY Polls open from 7 a.m. until 8 p.m. (E.C. Sec. 14212)

CAMPAIGN DISCLOSURE SCHEDULE

Filing Schedule for:

- Candidates and ballot measures to be listed **ON** the June 3 ballot
- Primarily Formed Committees to Support/Oppose Candidates and Ballot Measures to be listed on the June 3rd ballot
- County General Purpose Recipient Committees

FILING DEADLINE	TYPE OF STATEMENT	PERIOD COVERED BY STATEMENT	METHOD OF DELIVERY
January 31, 2008	Semi-Annual	¹ - 12/31/07	✓ Personal Delivery ✓ First Class Mail
March 24, 2008	Pre-election	1/1/08 – 3/17/08	✓ Personal Delivery ✓ First Class Mail
May 22, 2008	Pre-election	3/18/08 – 5/17/08	✓ Personal Delivery ✓ Guaranteed Overnight Service
Within 24 Hours	Late Contributions ² and Late Independent Expenditures ³ of \$1,000 or More	5/18/08 – 6/2/08	✓ Personal Delivery ✓ Guaranteed Overnight Service ✓ Fax
July 31, 2008	Semi-Annual	¹ - 6/30/08	✓ Personal Delivery ✓ First Class Mail

FOOTNOTES:

- 1 The period covered by any statement begins on the day after the closing date of the last statement filed, or January 1, if no previous statement has been filed.
- 2 The recipient of a late *in-kind* contribution must file a late contribution report within 48 hours from the time the *in-kind* contribution is received.
- 3 A controlled committee of a candidate may not make an independent expenditure to support or oppose another candidate.

IMPORTANT

In addition to paper reports, state candidates and committees that file with the Secretary of State may be required to file electronically.

See: www.sos.ca.gov

**Candidates for State Senate and Assembly,
have additional reporting requirements. Please ask for details.**

OFFICES TO APPEAR ON THE BALLOT

PARTISAN

FEDERAL OFFICES

OFFICE TITLE		LENGTH OF TERM	NEW TERM BEGINS
REPRESENTATIVE IN CONGRESS		2 years	January 3, 2009 (12:00 noon)
DISTRICT	OFFICEHOLDER/PARTY		
49 th	Darrell Issa (R)		
50 th	Brian Bilbray (R)		
51 st	Bob Filner (D)		
52 nd	Duncan Hunter (R)		
53 rd	Susan Davis (D)		

STATE LEGISLATURE

OFFICE TITLE	OFFICEHOLDER/PARTY	LENGTH OF TERM	NEW TERM BEGINS
STATE SENATE		4 years	December 1, 2008
39 th District	Christine Kehoe (D)		
STATE ASSEMBLY		2 years	December 1, 2008
66 th District	Kevin Jeffries (R)	The results of Prop 93 on the February 5 ballot will determine what officeholders will be affected by term limits.	
73 rd District	Mimi Walters (R)		
74 th District	Martin Garrick (R)		
75 th District	George A. Plescia (R)		
76 th District	Lori Saldana (D)		
77 th District	Joel Anderson (R)		
78 th District	Shirley Horton (R)		
79 th District	Mary Salas (D)		

OFFICES TO APPEAR ON THE BALLOT (Continued)

PARTISAN (Continued)

COUNTY CENTRAL COMMITTEE (Elected by Assembly Districts)					
OFFICE TITLE	PARTY/NUMBER TO BE ELECTED			LENGTH OF TERM	NEW TERM BEGINS
ASSEMBLY DISTRICTS	Democratic	Republican	^{1/} American Independent	2 years	(Varies by party)
66 th District	6	6			
73 rd District	6	6			
74 th District	6	6			
75 th District	6	6			
76 th District	6	6			
77 th District	6	6			
78 th District	6	6			
79 th District	6	6			
COUNTY CENTRAL COMMITTEE/COUNTY COUNCIL (Elected by Supervisorial Districts or Countywide)					
OFFICE TITLE	PARTY/NUMBER TO BE ELECTED		LENGTH OF TERM	NEW TERM BEGINS	
SUPERVISORIAL DISTRICTS	^{1/} Libertarian	^{1/} Peace & Freedom “County Council” (not “Central Committee”)	2 years	(Varies by party)	
1 st District					
2 nd District					
3 rd District					
4 th District					
5 th District					
^{1/} Green “County Council” (not “Central Committee”) Elected countywide, not by district		Number to be elected			

^{1/}Figures not available at the time of printing this Guide.
 They will be available from the Secretary of State in early-February.
 Please ask the Registrar of Voters for details.

OFFICES TO APPEAR ON THE BALLOT (Continued)

NONPARTISAN

JUDGE OF THE SUPERIOR COURT

LENGTH OF TERM: 6 years

NEW TERM BEGINS: January 5, 2009

Office Number/Officeholder		Office Number/Officeholder		Office Number/Officeholder	
1	Cynthia Bashant	19	Michael D. Wellington	37	Lisa Guy-Schall
2	David M. Gill	20	Kathleen M. Lewis	38	Judith F. Hayes
3	Edward B. Huntington	21	Laura H. Parsky	39	David M. Szumowski
4	John L. Davidson	22	Margie G. Woods	40	Alvin E. Green, Jr.
5	Frederic L. Link	23	Christine V. Pate	41	William R. Nevitt, Jr.
6	Jeffrey B. Barton	24	Timothy R. Walsh	42	Robert J. Trentacosta
7	Carolyn M. Caietti	25	Marshall Y. Hockett	43	Desirée Bruce-Lyle
8	Edward P. Allard III	26	Richard E. L. Strauss	44	Charles R. Gill
9	Steven R. Denton	27	Linda B. Quinn	45	William H. Kennedy
10	Earl H. Maas III	28	Howard H. Shore	46	Browder A. Willis III
11	Jeffrey S. Bostwick	29	Eddie C. Sturgeon	47	Carol Isackson
12	David J. Danielsen	30	Ronald S. Prager	48	Daniel B. Goldstein
13	Esteban Hernández	31	Gonzalo Curiel	49	Peter L. Gallagher
14	Louis R. Hanoian	32	Harry M. Elias	50	Richard S. Whitney
15	Timothy M. Casserly	33	John S. Einhorn	51	Ronald L. Styn
16	Timothy W. Tower	34	John S. Meyer	52	Laura J. Birkmeyer
17	Richard G. Cline	35	Michael T. Smyth		
18	Laura W. Halgren	36	Jacqueline M. Stern		

OFFICES TO APPEAR ON THE BALLOT (Continued)

NONPARTISAN

COUNTY OFFICES

OFFICE TITLE	OFFICEHOLDER	LENGTH OF TERM	NEW TERM BEGINS
COUNTY BOARD OF SUPERVISORS		4 years	January 5, 2009 (12:00 noon)
1 st District	Greg Cox		
2 nd District	Dianne Jacob		
3 rd District	Pam Slater-Price		

SCHOOL OFFICES

OFFICE TITLE	OFFICEHOLDER	LENGTH OF TERM	NEW TERM BEGINS
COUNTY BOARD OF EDUCATION		4 years	January 5, 2009
1 st District	John Witt		
2 nd District	Nick Aguilar		
4 th District	Robert Watkins		
SAN DIEGO COMMUNITY COLLEGE DISTRICT		4 years	December 8, 2008
District B	William Schwandt		
District D	Marty Block		
SAN DIEGO UNIFIED SCHOOL DISTRICT		4 years	December 8, 2008
District A	Mitz Lee		
District D	Luis Acle		
District E	Shelia Jackson		

INCOMPATIBILITY OF OFFICES

The Political Reform Act does not prohibit any office holder from holding multiple public offices or seeking more than one elective office. For example, a deputy district attorney can hold the office of city council member, or a water board director may also be elected to a park and recreation district. There are, however, instances of holding more than one office that are considered incompatible.

There is no single statute that defines “incompatibility of offices”. The common law doctrine of incompatibility of offices, however, prevents an elected official from holding two offices simultaneously **if the offices have overlapping and conflicting public duties**.

The courts have defined this concept as follows: “One individual may not simultaneously hold two public offices where the functions of the offices concerned are inherently inconsistent, as where there are conflicting interests, or where the nature of the duties of the two offices is such as to render it improper due to considerations of public policy for one person to retain both.”

The State of California Attorney General’s Office has issued many opinions of particular compatibility questions. Here are six examples of incompatible offices:

1. The offices of city councilman and school district board member where the city and the school district have territory in common;
2. fire chief of a county fire protection district and member of the board of supervisors of the same county;
3. high school district trustee and trustee of an elementary school district which is wholly within the geographic boundaries of the high school district;
4. water district director and a city council member,
5. water district director and a school district trustee having territory in common; and
6. deputy sheriff and county supervisor.

If you have a question about whether two public offices which you hold or seek to hold would be considered incompatible, contact the Attorney General’s office at (800) 952-5225 or visit their website, www.caag.state.ca.us. For further information about conflict of interest or incompatibility of offices, contact the Fair Political Practices Commission’s website at www.fppc.ca.gov, or phone toll free 1-866-275-3772.

GENERAL QUALIFICATIONS TO RUN FOR AND HOLD PUBLIC OFFICE

AGE/ CITIZENSHIP	A person is incapable of holding a civil office if at the time of his/her election or appointment he/she is not 18 years of age and a citizen of the state. <i>(Gov. Code Sec. 1020)</i>
REGISTERED VOTER/ DISTRICT RESIDENT	Unless otherwise specifically provided, no person is eligible to be elected or appointed to an elective office unless that person is a registered voter and otherwise qualified to vote for that office at the time that nomination papers are issued to the person or at the time of the person's appointment, except Superior Court. <i>(E.C. Sec. 201)</i>
CONVICTION OF CRIMES	A person is disqualified from holding any office upon conviction of designated crimes as specified in the Constitution and laws of the State. <i>(Gov. Code Sec. 1021)</i>
FILE FOR MORE THAN ONE OFFICE	No person may file nomination papers . . . for more than one office at the same election. <i>(E.C. Sec. 8003b, San Diego Municipal Code Sec. 27.0211)</i> . A person may file nomination papers for County Central Committee and another public office, as a Central Committee Member is not an "office" within the meaning of Section 8003b. <i>(SOS Opinion No. 82 SOS 1)</i>

GENERAL QUALIFICATIONS - PARTISAN OFFICE *(Elections Code Section 8001)*

No declaration of candidacy for a partisan office or for membership on a county central committee shall be filed by a candidate unless:

1. At the time of presentation of the declaration and continuously for not less than three months immediately prior to that time, or for as long as he/she has been eligible to register to vote in the state, the candidate is shown by his/her affidavit of registration to be affiliated with the political party the nomination of which he/she seeks;

and

2. The candidate has not been registered as affiliated with a qualified political party other than that political party the nomination of which he/she seeks within 12 months . . . immediately prior to the filing of the declaration.

The Registrar of Voters shall attach a certificate to the declaration of candidacy showing the date on which the candidate registered as intending to affiliate with the political party the nomination of which he/she seeks, and indicating that the candidate has not been affiliated with any other qualified political party for the 12 month period immediately preceding the filing of the declaration. This section shall not apply to declarations of candidacy filed by a candidate of a political party participating in its first direct primary election subsequent to its qualification as a political party.

GENERAL QUALIFICATIONS - NONPARTISAN OFFICE *(Elections Code Section 8002)*

If a candidate is seeking a nonpartisan office, all reference to party affiliation shall be omitted on all required forms.

UNITED STATES REPRESENTATIVE IN CONGRESS

QUALIFICATIONS	<p>The candidate shall be at least 25 years of age, a U.S. Citizen for seven years and a resident of the district when elected. (<i>U.S. Constitution, Article 1, Sec. 2.2</i>)</p> <p>The candidate is not required to live within the boundaries of the Congressional district until elected, though they must be a resident of California when nomination papers are issued.</p> <p>In addition, see the "General Qualifications" which apply to this office on a separate page of this guide.</p>		
HOW ELECTED	<p>The candidate with the most votes in each party will face the other parties' candidates (along with qualified write-in and Independent candidates) in the November General Election. In November, the candidate with the most votes will be elected. Over 50% is not required in either election.</p>		
SALARY	\$165,200.00		
FILING FEE	\$1,652.00 (1% of the salary)		
CANDIDATE'S STATEMENT OF QUALIFICATIONS	Not permitted		
NUMBER OF NOMINATING SIGNATURES	At least 40 valid signatures, may submit up to 60		
PETITIONS IN LIEU OF FILING FEE	<p>Party</p> <p>Democratic</p> <p>Republican</p> <p>American Independent</p> <p>Green</p> <p> 49th District</p> <p> 50th District</p> <p> 51st District</p> <p> 52nd District</p> <p> 53rd District</p> <p>Libertarian</p> <p> 49th District</p> <p> 50th District</p> <p> 51st District</p> <p> 52nd District</p> <p> 53rd District</p> <p>Peace and Freedom</p> <p> 49th District</p> <p> 50th District</p> <p> 51st District</p> <p> 52nd District</p> <p> 53rd District</p>	<p>In Lieu Signatures</p> <p>3,000</p> <p>3,000</p> <p>150</p> <p></p> <p>132</p> <p>150</p> <p>88</p> <p>150</p> <p>150</p> <p></p> <p>150</p> <p>150</p> <p>97</p> <p>150</p> <p>150</p> <p></p> <p>63</p> <p>63</p> <p>87</p> <p>57</p> <p>84</p>	<p>Value of Each Signature</p> <p>\$.55067</p> <p>.55067</p> <p>11.01333</p> <p></p> <p>12.51515</p> <p>11.01333</p> <p>18.77273</p> <p>11.01333</p> <p>11.01333</p> <p></p> <p>11.01333</p> <p>11.01333</p> <p>17.03093</p> <p>11.01333</p> <p>11.01333</p> <p></p> <p>26.22222</p> <p>26.22222</p> <p>18.98851</p> <p>28.98246</p> <p>19.66667</p>
Any portion of the signatures may be collected; they will be pro-rated at the value shown.			
IMPORTANT DATES	<p>Date</p> <p>December 28 to February 21</p> <p>February 11 to March 7</p> <p>February 22 to March 7</p> <p>March 12</p> <p>Please refer to the Election Calendar for other dates.</p> <p>New Term Begins: January 3, 2009 Length of Term: 2 years</p>	<p>Event</p> <p>Petition in Lieu of Filing Fee - Optional</p> <p>Declaration of Candidacy and Nomination Papers (inc. Ballot Designation Worksheet)</p> <p>Supplemental Filing Period for Petition in Lieu of Filing Fee</p> <p>Candidate Filing Extension - last day. For other than incumbent, if incumbent fails to file by March 7.</p>	

STATE SENATOR

QUALIFICATIONS	The candidate shall be a U.S. citizen and a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person. (E.C. Sec. 201) The candidate may not serve more than two terms in the same office. The results of Prop 93 on the February 5 th ballot may affect term limits for the State Legislature. (Cal. Constitution, Art. V, Sec. 11) In addition, see the "General Qualifications" which apply to this office on a separate page of this guide.						
HOW ELECTED	The candidate with the most votes in each party will face the other parties candidates (along with qualified write-in and Independent candidates) in the November General Election. In November, the candidate with the most votes will be elected. Over 50% is not required in either election.						
SALARY	\$116,208.00						
FILING FEE	\$1,162.08 (1% of the salary)						
CANDIDATE'S STATEMENT OF QUALIFICATIONS	Please see the explanation on a separate page of this guide.						
NUMBER OF NOMINATING SIGNATURES	At least 40 valid signatures, may submit up to 60						
PETITIONS IN LIEU OF FILING FEE	Party		In Lieu Signatures		Value of Each Signature		
	Democratic		3,000		\$.38736		
	Republican		3,000		.38736		
	American Independent		150		7.74720		
	DISTRICT	Green		Libertarian		Peace & Freedom	
		Sigs Needed	Value	Sigs Needed	Value	Sigs Needed	Value
39 th	150	\$7.74720	150	\$7.74720	101	11.50574	
Any portion of the signatures may be collected; they will be pro-rated at the value shown.							
IMPORTANT DATES	Date		Event				
	December 28 to February 21		Petitions in Lieu of Filing Fee - Optional				
	February 11 to March 7		Declaration of Candidacy, Nomination Papers, (inc. Ballot Designation Worksheet), Statement of Economic Interest, and Statement of Qualifications (if applicable)				
	February 22 to March 7		Supplemental Filing Period for Petitions in Lieu of Filing Fee				
	March 12		Candidate Filing Extension - last day. For other than incumbent, if incumbent fails to file by March 7.				
	*Extension does not apply if the incumbent is prevented from seeking re-election due to term limits.						
Please refer to the Election Calendar for other dates.							
New Term Begins: December 1, 2008			Length of Term: 4 years				

STATE ASSEMBLY

QUALIFICATIONS	The candidate shall be a U.S. citizen and a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person. (E.C. Sec. 201) The candidate may not serve more than three terms in the State Assembly. The results of Prop 93 on the February 5 th ballot may affect term limits for the State Legislature. (Cal. Constitution, Art. V, Sec. 11) In addition, see the “General Qualifications” which apply to this office on a separate page of this guide.						
HOW ELECTED	The candidate with the most votes in each party will face the other parties candidates (along with qualified write-in and Independent candidates) in the November General Election. In November, the candidate with the most votes will be elected. Over 50% is not required in either election.						
SALARY	\$116,208.00						
FILING FEE	\$1,162.08 (1% of the salary)						
CANDIDATE’S STATEMENT OF QUALIFICATIONS	Please see the explanation in a separate section of this guide.						
NUMBER OF NOMINATING SIGNATURES	At least 40 valid signatures, may submit up to 60						
PETITIONS IN LIEU OF FILING FEE	Party		In Lieu Signatures		Value of Each Signature		
	Democratic		1,500		\$.77472		
	Republican		1,500		.77472		
	American Independent		150		7.74720		
	DISTRICT	Green		Libertarian		Peace & Freedom	
		Sigs Needed	Value	Sigs Needed	Value	Sigs Needed	Value
	66 th	78	\$14.89846	119	\$9.76538	55	\$21.12873
	73 rd	130	8.93908	150	7.74720	44	26.41091
	74 th	150	7.74720	148	7.85189	42	27.66857
	75 th	123	9.44780	140	8.30057	34	34.17882
	76 th	150	7.74720	150	7.74720	55	21.12873
	77 th	114	10.19368	145	8.01434	39	29.79692
	78 th	108	10.76000	108	10.76000	51	22.78588
79 th	72	16.14000	68	17.08941	60	19.36800	
Any portion of the signatures may be collected; they will be pro-rated at the value shown.							
IMPORTANT DATES	Date		Event				
	December 28 to February 21		Petitions in Lieu of Filing Fee - Optional				
	February 11 to March 7		Declaration of Candidacy, Nomination Papers, (inc. Ballot Designation Worksheet), Statement of Economic Interest, and Statement of Qualifications (if applicable)				
	February 22 to March 7		Supplemental Filing Period for Petitions in Lieu of Filing Fee				
	March 12		*Candidate Filing Extension - last day. For other than incumbent, if incumbent fails to file by March 7.				
	*Extension does not apply if the incumbent is prevented from seeking re-election due to term limits.						
	Please refer to the Election Calendar for other dates.						
New Term Begins: December 1, 2008 Length of Term: 2 years							

COUNTY CENTRAL COMMITTEE/COUNTY COUNCIL

QUALIFICATIONS	The candidate shall be a registered voter of the party and a resident of the district. (E.C. Sec. 201, 7209, 7407, 7654, 7852) In addition, see the “General Qualifications” which apply to this office on a separate page of this guide.															
HOW ELECTED	<p>The candidates receiving the highest number of votes (up to the number of members to be elected from each district) will be elected to that party’s County Central Committee. There is no run-off in the November General Election.</p> <table><thead><tr><th>Party</th><th>Number to be Elected</th></tr></thead><tbody><tr><td>Democratic</td><td>Six members elected from each Assembly District</td></tr><tr><td>Republican</td><td>Six members elected from each Assembly District</td></tr><tr><td>American Independent</td><td>Members elected from each Assembly District</td></tr><tr><td>Green</td><td>Members elected at-large throughout the county. Office is “County Council”; not “Central Committee”</td></tr><tr><td>Libertarian</td><td>Members elected from each Supervisorial District</td></tr><tr><td>Peace & Freedom</td><td>Members elected from each Supervisorial District.</td></tr></tbody></table> <p>The number of members to be elected will be calculated by the Secretary of State based on the latest Report of Registration. These figures were not available at the time of printing this Guide. They will be provided by the Secretary of State no later than February 9. Please ask for details.</p>		Party	Number to be Elected	Democratic	Six members elected from each Assembly District	Republican	Six members elected from each Assembly District	American Independent	Members elected from each Assembly District	Green	Members elected at-large throughout the county. Office is “County Council”; not “Central Committee”	Libertarian	Members elected from each Supervisorial District	Peace & Freedom	Members elected from each Supervisorial District.
Party	Number to be Elected															
Democratic	Six members elected from each Assembly District															
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Green	Members elected at-large throughout the county. Office is “County Council”; not “Central Committee”															
Libertarian	Members elected from each Supervisorial District															
Peace & Freedom	Members elected from each Supervisorial District.															
SALARY	None															
FILING FEE	None															
CANDIDATE’S STATEMENT OF QUALIFICATIONS	Not permitted															
NUMBER OF NOMINATING SIGNATURES	At least 20 valid signatures, may submit up to 40															
PETITIONS IN LIEU OF FILING FEE	N/A															
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REMINDER:

Section 20712(e) of the Secretary of State Ballot Designation Regulations will be enforced. See Page 41.

State or county central committee members or officers are not considered “elective” offices.

Therefore, more than three words may NOT be used on the ballot to describe these positions.

Acceptable: Central Committee Member
Member, Central Committee
(other 3-word variations)

Not Acceptable: Member of the County Central Committee, 78th District
Member of the San Diego County Central Committee
(other excessively long variations)

JUDGE OF THE SUPERIOR COURT

QUALIFICATIONS	Citizen of the United States; registered voter; member of the State Bar for ten years or have served as a judge of a California court of record for ten years immediately preceding the election. (Cal. Constitution, Article VI, Sec. 15) In addition, see the "General Qualifications" which apply to this office on a separate page of this guide.																		
HOW ELECTED	The names of unopposed judicial incumbents do not appear on the June Primary Election ballot and they will be declared elected after the November General Election. For a contested office, the candidates' names will appear on the June Primary Election ballot. If one candidate receives over 50%, he/she shall be elected in the Primary. If no one receives over 50%, the top two candidates will run off in the November General Election.																		
NUMERICAL DESIGNATION OF JUDICIAL OFFICES	In any election at which two or more judges are to be voted for or elected for the same term, it shall be deemed that there are as many separate judicial offices to be filled as there are judges of the court to be elected. Each separate office shall be designated by a distinguishing number not greater than the total number of offices. The designation shall remain the same for all purposes of both primary and general election and shall be used on all nomination documents, certificates of nomination, ballots, certificates of election and all election papers referring to the office. After the election, and the issuance of the certificates of election, the designating number shall have no further significance. (E.C. Sec. 8200) The numerically designated offices shall be grouped and arranged on all ballots in numerical order. A person may not be a candidate or have his or her name printed upon any ballot as a candidate for any numerically designated office other than the one indicated by him or her in his or her declaration of intention to become a candidate. (E.C. Sec. 8202)																		
SALARY	\$178,789.00																		
FILING FEE	\$1,787.89 (1% of the salary)																		
CANDIDATE'S STATEMENT OF QUALIFICATIONS	\$6,550.00 (200 words)																		
NUMBER OF NOMINATING SIGNATURES	At least 20 valid signatures, may submit up to 40																		
PETITIONS IN LIEU OF FILING FEE	Signatures Required: 7,152 Value per Signature: \$.25	Any portion of the signatures may be collected; they will be pro-rated at the value shown.																	
IMPORTANT DATES	<table><thead><tr><th>Date</th><th>Event</th></tr></thead><tbody><tr><td>December 28 to February 6</td><td>Petitions in Lieu of Filing Fee – Optional (If used, these petitions are due at the time the Declaration of Intention is filed; no later than Feb 6.)</td></tr><tr><td>January 28 to February 6</td><td>Declaration of Intention</td></tr><tr><td>February 11 to March 7</td><td>Declaration of Candidacy, Nomination Papers, , (inc. Ballot Designation Worksheet), Statement of Economic Interest and Statement of Qualifications</td></tr><tr><td>February 7 to March 7</td><td>Supplemental Filing Period for Petitions in Lieu of Filing Fee</td></tr><tr><td>March 12</td><td>Declaration of Candidacy and Nomination Papers - Extension for <u>other than incumbent</u>, if incumbent fails to file by March 7.</td></tr><tr><td colspan="2">Please refer to the Election Calendar for other dates.</td></tr><tr><td colspan="2">New Term Begins: January 5, 2009 Length of Term: 6 years</td></tr></tbody></table>			Date	Event	December 28 to February 6	Petitions in Lieu of Filing Fee – Optional (If used, these petitions are due at the time the Declaration of Intention is filed; no later than Feb 6.)	January 28 to February 6	Declaration of Intention	February 11 to March 7	Declaration of Candidacy, Nomination Papers, , (inc. Ballot Designation Worksheet), Statement of Economic Interest and Statement of Qualifications	February 7 to March 7	Supplemental Filing Period for Petitions in Lieu of Filing Fee	March 12	Declaration of Candidacy and Nomination Papers - Extension for <u>other than incumbent</u> , if incumbent fails to file by March 7.	Please refer to the Election Calendar for other dates.		New Term Begins: January 5, 2009 Length of Term: 6 years	
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Please refer to the Election Calendar for other dates.																			
New Term Begins: January 5, 2009 Length of Term: 6 years																			

SAN DIEGO COUNTY BOARD OF SUPERVISORS

QUALIFICATIONS	<p>The candidate shall be a U.S. citizen and a registered voter of the district which he/she seeks to represent for at least 30 days immediately preceding the deadline for filing nomination documents for the office of supervisor, and shall reside in the district during his/her incumbency. (<i>Gov. Code Sec. 25041</i>)</p> <p>In addition, see the "General Qualifications" which apply to this office on a separate page of this guide.</p>	
HOW ELECTED	<p>A candidate who receives a majority (over 50%) of all votes in the June Primary Election is elected. When no candidate is so elected, the two candidates who receive the highest number of votes in the primary are the candidates in the November General Election, and the one who receives the higher number of votes in the General Election is elected. In the event there are no more than two candidates for one office, the office shall be voted upon at the Primary Election. (<i>San Diego County Charter Sec. 401.3</i>)</p> <p>Each member of the board of supervisors shall be elected by the district which he/she represents and not at-large. (<i>Gov. Code Sec. 25040</i>)</p>	
SALARY	\$143,031.20	
FILING FEE	\$1,430.31 (1% of the salary)	
CANDIDATE'S STATEMENT OF QUALIFICATIONS	\$1,310.00 (200 words)	
NUMBER OF NOMINATING SIGNATURES	At least 20 valid signatures, may submit up to 40	
PETITIONS IN LIEU OF FILING FEE	<p>Signatures Required: 5,722</p> <p>Value per Signature: \$.25</p> <p>Any portion of the signatures may be collected; they will be pro-rated at the value shown.</p>	
IMPORTANT DATES	<p>Date</p> <p>December 28 to February 21</p> <p>February 11 to March 7</p> <p>February 22 to March 7</p> <p>March 12</p> <p>Please refer to the Election Calendar for other dates.</p> <p>New Term Begins: January 5, 2009</p>	<p>Event</p> <p>Petitions in Lieu of Filing Fee - Optional</p> <p>Declaration of Candidacy, Nomination Papers, (inc. Ballot Designation Worksheet), Statement of Economic Interest, and Statement of Qualifications</p> <p>Supplemental Filing Period for Petitions in Lieu of Filing Fee</p> <p>Declaration of Candidacy and Nomination Papers - Extension for <u>other than incumbent</u>, if incumbent fails to file by March 7.</p> <p>Length of Term: 4 years</p>

SAN DIEGO COUNTY BOARD OF EDUCATION

QUALIFICATIONS	Any registered voter is eligible to be a member of the county board of education except the county superintendent of schools, any member of his/her staff, or any employee of a school district. Each member of the board shall be an elector of the trustee area which he/she represents and shall be elected by the electors of the trustee area. (<i>Ed. Code Sec. 1000, 1006</i>) In addition, see the "General Qualifications" which apply to this office on a separate page of this guide.	
HOW ELECTED	A candidate who receives a majority of all votes in the Primary Election is elected. When no candidate is so elected, the two candidates who receive the highest number of votes in the primary are the candidates in the November General Election, and the one who receives the higher number of votes in the General Election is elected. In the event there are no more than two candidates for one office, the office shall be voted upon at the Primary Election. (<i>San Diego County Charter Sec. 401.3</i>)	
SALARY	\$5,040.00	
FILING FEE	None	
CANDIDATE'S STATEMENT OF QUALIFICATIONS	\$1,310.00 (200 words)	
NUMBER OF NOMINATING SIGNATURES	At least 20 valid signatures, may submit up to 40	
PETITIONS IN LIEU OF FILING FEE	N/A	
IMPORTANT DATES	<p style="text-align: center;">Date</p> <p>February 11 to March 7</p> <p>March 12</p> <p>Please refer to the Election Calendar for other dates.</p> <p>New Term Begins: January 5, 2009</p>	<p style="text-align: center;">Event</p> <p>Declaration of Candidacy, Nomination Papers, (inc. Ballot Designation Worksheet), and Statement of Qualifications</p> <p>Declaration of Candidacy and Nomination Papers - Extension for <u>other than incumbent</u>, if incumbent fails to file by March 7.</p> <p>Length of Term: 4 years</p>

SAN DIEGO COMMUNITY COLLEGE DISTRICT

QUALIFICATIONS	<p>Any person, regardless of sex, who is 18 years of age or older, a citizen of the state, a resident of the community college district, a registered voter, and who is not disqualified by the Constitution or laws of the state from holding a civil office, is eligible to be elected or appointed a member of a governing board of a community college district. (<i>Ed. Code Sec. 72103a</i>)</p> <p>An employee of a community college district may not be sworn into office as an elected or appointed member of that community college district's governing board unless and until he/she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office. (<i>Ed. Code Sec. 72103b</i>)</p> <p>. . . A candidate for election as a member of the governing board shall reside in, and be registered to vote in, the trustee area he/she seeks to represent. (<i>Ed. Code Sec. 72035b</i>)</p> <p>In addition, see the "General Qualifications" which apply to this office on a separate page of this guide.</p>	
HOW ELECTED	<p>The names of the candidates appear on the ballot for the Primary Election in the candidate's home district. The two candidates receiving the highest number of votes in each home district will have their names placed on the November General Election ballot to be elected by the voters of the entire district.</p>	
SALARY	\$10,320.00	
FILING FEE	None	
CANDIDATE'S STATEMENT OF QUALIFICATIONS	<p>District B \$1,020.00 (400 words; 92,000 voters)</p> <p>District D 870.00 (400 words; 77,000 voters)</p>	
NUMBER OF NOMINATING SIGNATURES	None	
PETITIONS IN LIEU OF FILING FEE	N/A	
IMPORTANT DATES	<p style="text-align: center;">Date</p> <p>February 11 to March 7</p> <p>March 12</p> <p>Please refer to the Election Calendar for other dates.</p> <p>New Term Begins: December 8, 2008</p>	<p style="text-align: center;">Event</p> <p>Declaration of Candidacy, Nomination Papers, (inc. Ballot Designation Worksheet), and Statement of Qualifications</p> <p>Declaration of Candidacy and Nomination Papers - Extension for <u>other than incumbent</u>, if incumbent fails to file by March 7.</p> <p>Length of Term: 4 years</p>

SAN DIEGO UNIFIED SCHOOL DISTRICT

QUALIFICATIONS	<p>. . Each candidate shall have been a registered voter of the district and an actual resident of the election district from which he/she seeks to be nominated for thirty (30) days immediately preceding filing a nominating petition . . <i>(San Diego City Charter Sec. 66)</i></p> <p>In addition, see the "General Qualifications" which apply to this office on a separate page of this guide.</p>						
HOW ELECTED	<p>The names of the candidates appear on the ballot for the Primary Election in the candidate's home district. The two candidates receiving the highest number of votes in each home district will have their names placed on the November General Election ballot to be elected by the voters of the entire district.</p>						
SALARY	\$18,000.00						
FILING FEE	\$200.00						
CANDIDATE'S STATEMENT OF QUALIFICATIONS	<p>\$1,095.00 (200 words) <u>80.00</u> (optional photograph) \$1,175.00 (Total, if photograph is included)</p> <p style="text-align: center;">See format guidelines on Page 51.</p>						
NUMBER OF NOMINATING SIGNATURES	At least 200 valid signatures						
SIGNATURES IN LIEU OF FILING FEE	<p>Signatures Required: 800 Value per Signature: \$.25</p> <p style="text-align: center;">Any portion of the signatures may be collected; they will be pro-rated at the value shown.</p>						
IMPORTANT DATES	<table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">Date</th> <th style="text-align: left;">Event</th> </tr> </thead> <tbody> <tr> <td>February 11 to March 7</td> <td>Statement and Affidavit of Nominee, Nomination Papers and Signatures in Lieu of Filing Fee. (Supplemental filing of Petitions in Lieu of Filing Fee is <u>not permitted.</u>)</td> </tr> <tr> <td>March 12</td> <td>Statement and Affidavit of Nominee and Nomination Papers (inc. Ballot Designation Worksheet) - Extension for <u>other than incumbent</u>, if incumbent fails to file by March 7.</td> </tr> </tbody> </table> <p>Please refer to the Election Calendar for other dates.</p> <p>New Term Begins: December 8, 2008 Length of Term: 4 years</p>	Date	Event	February 11 to March 7	Statement and Affidavit of Nominee, Nomination Papers and Signatures in Lieu of Filing Fee. (Supplemental filing of Petitions in Lieu of Filing Fee is <u>not permitted.</u>)	March 12	Statement and Affidavit of Nominee and Nomination Papers (inc. Ballot Designation Worksheet) - Extension for <u>other than incumbent</u> , if incumbent fails to file by March 7.
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PETITIONS IN LIEU OF FILING FEE

MOST OFFICES*

(Elections Code Section 8106)

PURPOSE	Signatures may be obtained on petitions (provided by the Registrar of Voters) to be counted toward payment of all, or any portion, of the filing fee.
WHEN/WHERE AVAILABLE	Petition in lieu of filing fee forms may be obtained from the Registrar of Voters Office, beginning Friday, December 28, 2007 . Office hours: Monday through Friday, 8 a.m. to 5 p.m., excluding holidays.
FILING PERIOD	<p><u>CONGRESS, STATE SENATE, STATE ASSEMBLY, BOARD OF SUPERVISORS</u> December 28, 2007 through February 21, 2008 Petition in lieu signatures and/or filing fee must be submitted at the time Nomination Papers are obtained. Though the nomination period doesn't end until March 7, the in lieu signatures must be filed earlier to allow for the verification process.</p> <p><u>SUPERIOR COURT JUDGE</u> December 28, 2007 to February 6, 2008 Petition in lieu signatures and/or filing fee must be submitted at the time the Declaration of Intention is <u>filed</u>. The Declaration of Intention filing period is January 28 to February 6.</p>
WHEN SIGNATURES CAN BE COLLECTED	<p>Petition in lieu signatures to be used as payment to offset the filing fee can be collected beginning December 28, 2007 and must be submitted by February 21. (The deadline is February 6 for Superior Court candidates.)</p> <p>After obtaining the petitions to collect signatures in lieu of the filing fee, a candidate may decide later not to submit any petitions in lieu, but to just pay the entire filing fee by check. In that case, any signatures collected prior to February 11, 2008 (which is the first day of the nomination period) may not be used toward the nomination signatures (as explained in "General Information" on the next page).</p>
WHO CAN OBTAIN FORMS	The candidate or his/her representative (with <u>written</u> authorization), must appear at the Registrar of Voters Office to obtain the forms. The forms will not be mailed. (See "Nomination Process" section of this Guide for an explanation/description of the "Authorization" form.)
QUANTITY ISSUED	The forms (available at no charge) will have space for the number of signatures needed to pay the full filing fee. If more forms are desired, a "master form" will be provided for additional copies to be printed at the candidate's expense.
WHO CAN CIRCULATE	A circulator (other than the candidate) must be a registered voter in the district or political subdivision in which the candidate is to be voted on. The circulator shall serve within the county in which he/she resides. Any number of qualified people may circulate petitions for a candidate. However, each form can have only one circulator, as the person must sign that he/she witnessed all signatures on the form. A candidate may circulate his/her own petition in lieu of filing fee.
INITIAL/ SUPPLEMENTAL FILING	<p>For the initial filing, all petitions in lieu must be submitted at one time. After the verification process (and before March 7), supplemental signatures may be filed to make up any deficiency from the initial filing. The candidate will not receive credit for more signatures than submitted at the initial filing.</p> <p>Example: 1,500 signatures required 1,200 signatures submitted (along with either a pro-rata portion of <u>or</u> the entire filing fee) 1,000 valid signatures after verification process 200 additional signatures may count towards filing fee, if submitted by March 7 (More than 200 may be submitted, but verification will stop when 200 are found to be valid.)</p>
NUMBER OF SIGNATURES	Please see chart on a separate page.

*San Diego Unified School District candidates, please see separate instructions on Page 51.

PETITIONS IN LIEU OF FILING FEE (Continued)

(Elections Code Section 8106)

<p>PETITION SIGNERS</p>	<p>Candidates for NONPARTISAN offices: Signers may be registered to vote with <u>any party</u> OR as a “<u>decline to state (nonpartisan)</u>,” and must reside within the candidate’s jurisdiction.</p> <p>DEMOCRATIC or REPUBLICAN candidates: A final decision for these parties will be made no later than January 21. In past years both parties have allowed “decline to state (nonpartisan)” voters as well as voters registered to vote with the candidate’s own party to sign petitions in lieu for a candidate. Please call 858-694-3405 to learn each party’s decision. Signers must reside within the candidate’s jurisdiction.</p> <p>AMERICAN INDEPENDENT, GREEN, LIBERTARIAN, AND PEACE & FREEDOM candidates: Signers must be the <u>same party</u> as the candidate and reside within the candidate’s jurisdiction.</p> <p>Each signer of the petition must write his/her signature and shall include his/her printed name and place of residence (number, street, city) in the presence of the circulator. If a voter signs more than one candidate’s petition for the same office, the signature shall be valid only on the first petition filed with the Registrar of Voters. All signers of the same section of a petition must be registered in one county. Different sections must be used in each county where the petitions are circulated and then filed with the Registrar of Voters/County Clerk in the affected county. A circulator may also be a signer on the petition he/she is circulating, if otherwise qualified. No petition or paper may be signed within 100 feet of any election booth or polling place.</p>
<p>FILING FEE PAYMENT</p>	<p>All Offices If a portion of the filing fee will be paid by check and a portion paid with in lieu signatures, please do NOT include the amount of the filing fee on the check. Instead (above the line where the amount would be spelled out), write: “Not to exceed (insert amount, equal to or less than the filing fee)” The appropriate amount will be written in after the signatures are verified and the value determined. The campaign will be notified of the amount. This will eliminate the need for a refund check. Candidates for: Congress, State Senate, State Assembly Make the check payable to: <u>Secretary of State</u> Candidates for: Superior Court, Board of Supervisors Make the check payable to: <u>County of San Diego</u> If a refund check becomes necessary, the County of San Diego Auditor and Controller now requires that an IRS W-9 form must be completed. This form will be given to the campaign if and when it becomes necessary.</p>
<p>GENERAL INFORMATION</p>	<p>The initial petitions must be filed all at one time, no later than February 21. (More than the minimum number required should be submitted, as some may be invalid.) The Registrar of Voters has 10 days in which to verify the signatures and notify the candidate. The candidate then has until March 7 to submit supplemental signatures to make up the deficiency or to pay the difference by check (if not already paid). During the supplemental filing period signatures may be submitted in increments or all at once, on or before March 7. Signatures on a petition in lieu may be counted toward the number of voters required to sign nomination papers if they are submitted during the petition in lieu period. If a petition in lieu contains a requisite number of valid signatures, the candidate shall not be required to file nomination signatures (as long as the requisite number are of the candidate’s own party), but may request the Registrar of Voters to accept the petition in lieu instead of filing a nomination petition.</p>

NOTICE

All candidates must file a Declaration of Candidacy between February 11 and March 7 even if the petitions in lieu contain a sufficient number of signatures to count toward the nomination signatures.

SIGNATURES IN LIEU OF FILING FEE

SAN DIEGO UNIFIED SCHOOL DISTRICT

PURPOSE	Signatures may be obtained on nominating petitions (provided by the Registrar of Voters) to be counted toward payment of all, or any portion, of the filing fee.
WHEN/WHERE AVAILABLE	Nominating petitions may be obtained <u>only</u> from the Registrar of Voters Office, beginning Monday, February 11 . Office hours: Monday through Friday, 8 a.m. to 5 p.m., excluding holidays.
FILING PERIOD	<u>February 11</u> : First day petitions may be issued <u>March 7</u> : Last day petitions may be filed by a candidate. Supplemental petitions in lieu are not allowed.
WHO CAN OBTAIN FORMS	Candidates seeking nomination . . . shall appear personally . . . unless service with the United States Armed Forces or a physical disability prevents such an appearance.
QUANTITY ISSUED	The forms (available at no charge) will have space for the number of signatures needed to pay the full filing fee. If more forms are desired, a "master form" will be provided for additional copies to be printed at the candidate's expense.
WHO CAN CIRCULATE	A circulator must be a registered voter. Any number of qualified people may circulate petitions for a candidate. However, each form can have only one circulator, as the person must sign that he/she witnessed all signatures on the form. A candidate may circulate his/her own petition in lieu of filing fee.
NUMBER OF SIGNATURES	800 valid signatures to offset the entire \$200 fee. If less than 800 are valid, they will be pro-rated at a value of \$.25 each.
PETITION SIGNERS	Only voters within the <u>home district</u> of the candidate may sign the petitions. All persons signing petitions must be registered voters for a period of at least thirty (30) days at the time they sign such petitions. Each signer of the petition must write his/her signature and shall include his/her printed name and place of residence (number, street, city) in the presence of the circulator. If a voter signs more than one candidate's petition for the same office, the signature shall be valid only on the first petition filed with the Registrar of Voters. A circulator may also be a signer on the petition he/she is circulating, if otherwise qualified.
FILING FEE PAYMENT	If a portion of the filing fee will be paid by check and a portion paid with in lieu signatures, please do NOT include the amount of the filing fee on the check. Instead (above the line where the amount would be spelled out), write: "Not to exceed \$200" Make the check payable to: County of San Diego The appropriate amount will be written in after the signatures are verified and the value determined. The campaign will be notified of the amount. This will eliminate the need for a refund check. If a refund check becomes necessary, the County of San Diego Auditor and Controller now requires that an IRS W-9 form must be completed. This form will be given to the campaign if and when it becomes necessary.
GENERAL INFORMATION	All signatures shall be filed at the same time. No supplemental petitions shall be filed. The Registrar of Voters shall be allowed a period of ten days after the filing of a petition to examine and verify the signatures.

DECLARATION OF INTENTION

REQUIRED FOR ALL SUPERIOR COURT CANDIDATES

FILING FEE/ PETITION IN LIEU OF FILING FEE	The filing fee and/or petition in lieu of filing fee must be submitted at the time the candidate's Declaration of Intention is filed. The filing fee is <u>nonrefundable</u> . (E.C. Sec. 8105)
FILING FEE PAYMENT	Make the check payable to: County of San Diego If any or all of the fee will be paid with signatures in lieu, please see the check writing procedures on a separate page of this guide.
FILING PERIOD	January 28 to February 6 Each candidate for nomination for any Judicial office at the direct primary election shall file a written and signed declaration of his/her intention to become a candidate for nomination for that office. The Declaration of Intention shall be filed with either the Secretary of State or the Registrar of Voters of the county in which the candidate is a resident. The Declaration of Intention shall be filed, on a form to be supplied by the Registrar of Voters, not more than 14 nor less than 5 days prior to the first day on which nomination documents may be presented for filing. (E.C. Sec. 8023)
EXTENSION IF INCUMBENT FAILS TO FILE DECLARATION OF INTENTION	February 7 to February 11 If the incumbent fails to file a Declaration of Intention by February 6, persons other than the incumbent may file Declarations of Intention no later than the first day for filing nomination documents. (E.C. Sec. 8023, 8024)
EXTENSION IF INCUMBENT FAILS TO FILE NOMINATION DOCUMENTS	March 12 – Last Day of Extension No person may be a candidate nor have his/her name printed upon any ballot as a candidate for a Judicial office at the direct primary election unless he/she has filed a Declaration of Intention; provided, however, that if the incumbent of the office files a Declaration of Intention, but for any reason fails to qualify for nomination for the office by March 7, an additional five days shall be allowed for the filing of nomination papers for the office, and any person, if otherwise qualified, may file nomination documents for the office during the extended filing period (until March 12), notwithstanding that he/she has not filed a written and signed Declaration of Intention to become a candidate for the office. (E.C. Sec. 8024)
NUMERICAL DESIGNATION OF JUDICIAL OFFICES	In any election at which two or more judges are to be voted for or elected for the same term, it shall be deemed that there are as many separate judicial offices to be filled as there are judges of the court to be elected. Each separate office shall be designated by a distinguishing number not greater than the total number of offices. The designation shall remain the same for all purposes of both primary and general election and shall be used on all nomination documents, certificates of nomination, ballots, certificates of election and all election papers referring to the office. After the election, and the issuance of the certificates of election, the designating number shall have no further significance. (E.C. Sec. 8200) A candidate for a numerically designated judicial office shall state in his/her declaration for which office he/she intends to become a candidate. (E.C. Sec. 8023) The numerically designated offices shall be grouped and arranged on all ballots in numerical order. No person may be a candidate nor have his/her name printed upon any ballot as a candidate for any numerically designated office other than the one indicated by him/her in the Declaration of Intention to become a candidate. (E.C. Sec. 8202)

NOMINATION PROCESS

All candidates desiring to have their name placed on the ballot are required to complete the nomination process whether or not they have filed a Declaration of Intention and/or submitted petitions in lieu of the filing fee.

The filing fee and/or petitions in lieu of filing fee must be submitted when the nomination papers are obtained.

Exceptions: Candidates for **Superior Court** pay the filing fee at the time of filing the Declaration of Intention.

Candidates for **San Diego Unified** pay the filing fee at the time nomination papers are filed (returned).



The filing fee is nonrefundable. (E.C. Sec. 8105)

WHERE TO OBTAIN DOCUMENTS	The nomination documents may be obtained <u>only</u> from the Registrar of Voters Office. The filing fee must be paid at the appropriate time (varies by office), as shown on the individual page for each office. <u>Checks ONLY</u> - cash and credit cards <u>not</u> allowed.
FILING FEE PAYMENT	Candidates for: Congress, State Senate, State Assembly Make the check payable to: Secretary of State Candidates for: Superior Court, Board of Supervisors, San Diego Unified Make the check payable to: County of San Diego If any or all of the fee will be paid with signatures in lieu, please see the check writing procedures on a separate page of this guide.
NOMINATION PERIOD	<p>February 11 to February 21 Nomination documents must be <u>obtained</u> between these dates if any portion of the filing fee is to be paid with <u>petitions in lieu of filing fee</u>. (E.C. Sec. 8106) (San Diego Unified School District candidates, see “Note” below.)</p> <p>February 11 to March 7 Nomination documents may be <u>obtained</u> between these dates if the filing fee is to be paid by <u>check only</u> (no initial petitions in lieu will be accepted after Feb. 21). (E.C. Sec. 8020, 8105)</p> <p>Note: San Diego Unified candidates may obtain and file nomination documents between February 11 to March 7, as signatures in lieu are filed when nomination documents are <u>returned</u>. The filing fee must be submitted when the nomination documents are <u>filed</u> (returned). See separate page regarding petitions in lieu for this district.</p> <p>February 21 Last day to <u>file</u> (return) petitions in lieu of filing fee, except candidates for San Diego Unified School District. (See “Note” above.)</p> <p>March 7 Last day to <u>file</u> (return) nomination documents. (Must be RECEIVED in the office of the Registrar of Voters by 5 p.m. A postmark is NOT acceptable.) (E.C. Sec. 8020)</p> <p>March 12 If the incumbent has failed to file by 5 p.m. March 7, any person other than the person who was the incumbent on the 88th day (March 7) shall have until 5 p.m. on the 83rd day (March 12) before the election to file nomination documents for the elective office. This section is not applicable where there is no incumbent eligible to be elected. (E.C. Sec. 8024)</p> <p>The extension DOES NOT apply to candidates for County Central Committee or to an incumbent for any office. Extension also does not apply to offices in which the incumbent is prohibited from seeking re-election due to term limits.</p>

CANDIDATE FILING DOCUMENTS

AUTHORIZATION FOR CANDIDATE'S REPRESENTATIVE	<p>The <i>Authorization for Candidate's Representative</i> is a document on which the candidate may authorize another person to act as his/her representative to obtain the required nomination documents. The candidate may use the Registrar of Voters authorization form or prepare their own as long as the following information is provided: name, residence address, phone number, office sought, party affiliation (for partisan office), person(s) authorized, and language indicating that the candidate is aware that the nomination documents must be completed and filed no later than March 7. (E.C. Sec. 8028)</p> <p>Candidates for San Diego Unified School District shall appear personally to sign the nominating papers unless service with the United States Armed Forces or a physical disability prevents such an appearance. (San Diego Municipal Code Sec. 27.0203)</p>
PETITIONS IN LIEU OF FILING FEE	<p>The document on which a candidate obtains signatures to reduce (or eliminate) the filing fee. (E.C. Sec. 8106)</p>
DECLARATION OF INTENTION	<p>The document on which candidates for Superior Court declare their intention to seek the office. (Not required of other offices.) (E.C. Sec. 8023)</p>
DECLARATION OF CANDIDACY	<p>The document on which the candidate:</p> <ol style="list-style-type: none"> 1. Declares himself/herself a candidate for a particular office and party affiliation (if applicable), 2. Provides his/her name and occupational designation as to appear on the ballot, 3. Provides his/her address and phone number, and 4. States he/she is qualified and, if nominated, will not withdraw. <p>(E.C. Sec. 8040)</p> <p style="text-align: center;">This form must be witnessed by either a notary public or a Registrar of Voters deputy.</p>
STATEMENT AND AFFIDAVIT OF NOMINEE	<p>This document is required of candidates for San Diego Unified School District only. It shall state the name of the candidate, his/her current residence, his/her past residences for a period of four years, date and place of birth, the office for which he/she seeks nomination, the term for which he/she is running, his/her occupation, a written acceptance of the nomination and the manner in which he/she wishes his/her name to appear. (San Diego Municipal Code Sec. 27.0205, 27.0206)</p> <p style="text-align: center;">This form must be witnessed by either a notary public or a Registrar of Voters deputy.</p>
<p>NOTICE</p> <p>THE REGISTRAR OF VOTERS OFFICE HAS COMPUTER TERMINALS AVAILABLE FOR THE PUBLIC TO USE TO VERIFY PETITION SIGNATURES BEFORE THE PETITIONS ARE FILED. THIS MAY HELP TO ASSURE SUFFICIENT VALID SIGNATURES ARE FILED.</p>	
NOMINATION PAPER	<p>The document on which a circulator obtains nominating signatures for the candidate. (E.C. Sec. 8041, San Diego Municipal Code Sec. 27.0207)</p> <p>Signer Qualifications</p> <p>Signers shall be voters in the district or political subdivision in which the candidate is to be voted on and shall be affiliated with the party, if any, in which the nomination is proposed. (E.C. Sec. 8068)</p> <p>No signer shall, at the time of signing a certificate, have his/her name signed to any other nomination paper for any other candidate for the same office or, in case there are several places to be filled in the same office, signed to more nomination papers for candidates for that office than there are places to be filled. (E.C. Sec. 8069)</p> <p>Signers for candidates in San Diego Unified School District must be registered voters within the candidate's home district for a period of 30 days at the time of signing nomination documents. (San Diego Municipal Code Sec. 27.0210)</p> <p style="text-align: center;">(Continued on the next page)</p>

CANDIDATE FILING DOCUMENTS (Continued)

<p>NOMINATION PAPER (Continued)</p>	<p>Number of Signatures Required (Please see separate page of this guide for each office.)</p> <p>San Diego Unified School District No signature used to determine the sufficiency of the nominating petition may be used for the purpose of reducing the nominating fee. (<i>San Diego Municipal Code Sec. 27.0221</i>)</p> <p>Petitions in Lieu of Filing Fee May Count as Nominating Signatures Note: The following two paragraphs DO NOT apply to San Diego Unified School District because petitions in lieu shall not count toward nomination signatures for that district.</p> <p>If a candidate submits petitions in lieu of the filing fee pursuant to Section 8106, any or all signatures appearing on the petitions which would be valid under Section 8041, shall be counted towards the number of voters required to sign a nomination paper. If the in lieu of filing fee petitions contain a requisite number of valid signatures under Section 8062, the candidate shall not be required to file a nomination petition, but may request the Registrar of Voters to accept the signatures in lieu instead of filing nomination signatures.</p> <p>If an in lieu of filing fee petition does not contain the requisite number of valid signatures as set forth in Section 8062, the candidate shall be entitled to file, within the time period allowed for filing nomination papers, a nomination petition in order to obtain the requisite number of valid signatures required to be submitted to the Registrar of Voters on a nomination petition. A candidate who submits a nomination petition pursuant to this paragraph shall only be required to obtain the number of signatures thereon needed to supplement the petitions in lieu of the filing fee so that the combination of signatures appearing on the in lieu of filing fee petition and the nomination petition equals or exceeds the requisite number of signatures set forth in Section 8062. (<i>E.C. Sec. 8061</i>)</p> <p>Circulator Qualifications The candidate may circulate his/her own nomination paper or he/she may allow circulators to secure signatures on his/her behalf. (<i>E.C. Sec. 8065</i>) Circulators shall be voters in the district or political subdivision in which the candidate is to be voted on and shall serve in that district or political subdivision. (<i>E.C. Sec. 8066</i>) The circulator, if otherwise qualified, may sign a nomination paper. (<i>E.C. Sec. 106</i>)</p> <p>Note: Circulators for San Diego Unified School District candidates must be registered voters within the entire district, not necessarily the candidate's home district.</p>
<p>CODE OF FAIR CAMPAIGN PRACTICES</p>	<p>A <u>voluntary</u> document a candidate may sign and file with the Registrar of Voters. As stated in Elections Code Sec. 20400, "The purpose in creating the Code of Fair Campaign Practices is to give voters guidelines in determining fair play and to encourage candidates to discuss issues instead of untruths or distortions".</p>
<div style="text-align: center;">  NEW FORM – REQUIRED FOR ALL CANDIDATES  </div>	
<p>BALLOT DESIGNATION WORKSHEET</p>	<p>This form is REQUIRED for all candidates who want to have a "ballot designation" printed under their name on the ballot. On this form the candidate will provide justification and documents (if any) to allow the specific designation requested. (<i>E.C. Sec. 13107.3</i>)</p>

CANDIDATE FILING DOCUMENTS (Continued)

FINANCIAL FORMS	Please follow the instruction given in the manuals and forms provided by the Campaign and Financial Section of the Registrar of Voters Office. There are additional details beginning on Page 71.
W-9 (IRS Form) REQUEST FOR TAXPAYER ID NUMBER AND CERTIFICATION	<p>This is a fairly NEW requirement for the County of San Diego. Any candidate who will receive a refund from the Registrar of Voters must file this form. The refund could be for either:</p> <ol style="list-style-type: none"> 1) a filing fee (after the validity of signatures in lieu is determined); 2) a statement of qualifications that is submitted and then, for any reason, not printed in the sample ballot.
CANDIDATE'S STATEMENT OF QUALIFICATIONS	<p>The document on which a candidate may write a statement to be mailed to the voters. The statement will be included in the San Diego County Sample Ballot and Voter Information Pamphlet. Please see the instructions in a separate section of this guide and the costs on the information page for each office. (<i>E.C. Sec. 13307</i>)</p> <p>A statement <u>IS</u> ALLOWED for:</p> <ul style="list-style-type: none"> ♦ State Senate & Assembly (See separate instructions & costs for each county) ♦ Superior Court ♦ Board of Supervisors ♦ Board of Education ♦ San Diego Community College ♦ San Diego Unified School ♦ Incorporated Cities <p>A statement is <u>NOT</u> ALLOWED for:</p> <ul style="list-style-type: none"> ♦ Representative in Congress ♦ County Central Committee
Instructions and a court opinion affecting the contents of a candidate statement begin on Page 47.	

CANDIDATE FILING DOCUMENTS (Continued)

OFFICE	Petitions in-Lieu of the Filing Fee (Optional)	Declaration of Intention (Required)	Declaration of Candidacy (Required)	Nomination Petition (Required, if in-lieu not used)	Ballot Designation Worksheet (Required)	Code of Fair Campaign Practices (Optional)	Statement of Qualifications (Optional)	Statement of Economic Interest (Required)	Campaign Disclosure Information
U.S. Rep. in Congress	X		X	X	X	X		Contact the FEC for details: 1-800-424-9530	
State Legislative Offices State Senate State Assembly	X		X	X	X	X	X	X	Varies, depending on financial activity of the candidate/ committee.
County Central Committee/ County Council			X	X	X	X			
Superior Court Judge	X	X	X	X	X	X	X	X	
County Offices Board of Supervisors	X		X	X	X	X	X	X	
San Diego County Board of Education			X	X	X	X	X		
San Diego Community College			X	X	X	X	X	X	Call 858-694-3407 with questions
San Diego Unified School	X		X (Form is called: Statement and Affidavit of Nominee)	X (In-lieu and nom signatures must be on <u>separate</u> forms)	X	X	X	X	
Incorporated Cities	Contact the City Clerk for details.								

***CODE OF FAIR CAMPAIGN PRACTICES**

Candidate's Name: _____

Office Title: _____

Election Date: _____

Elections Code Sec. 20440. There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of California has a moral obligation to observe and uphold, in order that, after vigorously contested, but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

- (1) I SHALL CONDUCT my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponents or political parties which merit such criticism.
- (2) I SHALL NOT USE OR PERMIT the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.
- (3) I SHALL NOT USE OR PERMIT any appeal to negative prejudice based on race, sex, religion, national origin, physical health status, or age.
- (4) I SHALL NOT USE OR PERMIT any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections, or which hampers or prevents the full and free expression of the will of the voters including acts intended to hinder or prevent any eligible person from registering to vote, enrolling to vote, or voting.
- (5) I SHALL NOT coerce election help or campaign contributions for myself or for any other candidate from my employees.
- (6) I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics which I condemn. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing elections.
- (7) I SHALL DEFEND AND UPHOLD the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of California or treasurer or chairperson of a committee making any independent expenditures, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

Date: _____

Candidate's Signature

*This form is **voluntary**. If you choose to file this, please read both sides carefully before signing.

PROVISIONS OF THE CODE OF FAIR CAMPAIGN PRACTICES

as found in Chapter 5 of Division 20 of the California Elections Code

Chapter 5. Fair Campaign Practices

Article 1. General Intent

20400. Intent of legislature.

The Legislature declares that the purpose of this chapter is to encourage every candidate for public office in this state to subscribe to the Code of Fair Campaign Practices.

It is the ultimate intent of the Legislature that every candidate for public office in this state who subscribes to the Code of Fair Campaign Practices will follow the basic principles of decency, honesty, and fair play in order that, after vigorously contested, but fairly conducted campaigns, the citizens of this state may exercise their constitutional right to vote, free from dishonest and unethical practices which tend to prevent the full and free expression of the will of the voters.

The purpose in creating the Code of Fair Campaign Practices is to give voters guidelines in determining fair play and to encourage candidates to discuss issues instead of untruths or distortions.

Article 2. Definitions¹

20420. Definition of "Code".

As used in this chapter, "Code" means the Code of Fair Campaign Practices.

Article 3. Code of Fair Campaign Practices

20440. Subscription to code; form.

At the time an individual is issued his or her declaration of candidacy, nomination papers, or any other paper evidencing an intention to be a candidate for public office, the elections official, shall give the individual a blank form of the code and a copy of this chapter. The elections official shall inform each candidate for public office that subscription to the code is voluntary.

In the case of a committee making an independent expenditure as defined in Section 82031 of the Government Code, the Secretary of State shall provide a blank form and a copy of this chapter to the individual filing, in accordance with Title 9 (commencing with Section 81000) of the Government Code, an initial campaign statement on behalf of the committee. The text of the code shall read, as follows: (see reverse side.)

20441. Supply of forms.

The Secretary of State shall print, or cause to be printed, blank forms of the code. The Secretary of State shall supply the forms to the elections officials in quantities and at times requested by the elections officials.

20442. Retention of forms; public inspection.

The elections official shall accept, at all times prior to the election, all completed forms that are properly subscribed to by a candidate for public office and shall retain them for public inspection until 30 days after the election.

20443. Public Record

Every code subscribed to by a candidate for public office pursuant to this chapter is a public record open for public inspection.

20444. Voluntary.

In no event shall a candidate for public office be required to subscribe to or endorse the code.

¹**304.**

"Campaign advertising or communication" means a communication authorized by a candidate or a candidate's controlled committee, as defined in Section 82016 of the Government Code, or by a committee making independent expenditures, as defined in Section 82031 of the Government Code, or by a committee formed primarily to support or oppose a ballot measure, as defined in Section 82047.5 of the Government Code, for the purpose of advocating the election or defeat of a qualified candidate through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type general, public, political advertising.

305.

"Candidate for public office" means an individual who has qualified to have his or her name listed on the ballot of any election, or who has qualified to have written votes on his or her behalf counted by election officials, for nomination for, or election to, any state, regional, county, municipal, or district office which is filled at an election. The provisions of this chapter do not apply to candidates for federal office.

BALLOT DESIGNATION

CANDIDATE'S NAME

The candidate's name as provided by the candidate on the Declaration of Candidacy is the way it will appear on the ballot. It **CANNOT** be changed after the nomination period has ended.

A CANDIDATE MAY:	<ul style="list-style-type: none"> ◆ Use a nickname, provided the given name or initials are shown. ◆ Use only the initials of the given name with the last name. ◆ Omit the middle name. ◆ Use a shortened familiar form of the given name. <p>EXAMPLE: Bill for William, Dick for Richard, Pat for Patricia, Terry for Theresa,</p>
A CANDIDATE MAY NOT:	<ul style="list-style-type: none"> ◆ Use titles such as "Miss," "Mrs.," "Dr.," "Col.," "Rev." No title or degree shall appear on the same line on a ballot as a candidate's name, either before or after a candidate's name. (<i>E.C. Sec. 13106</i>) ◆ Change his/her name within one year prior to the election. If the candidate has changed his/her name within one year prior to the election, the new name will not appear on the ballot unless the change was made by marriage or by decree of any court of competent jurisdiction. (<i>E.C. Sec. 13104</i>)

ORDER OF NAMES ON THE BALLOT

WHEN DETERMINED	<p>On March 13 the Secretary of State will conduct a random drawing of the alphabet and Registrars of Voters/County Clerks throughout the state will follow this same alphabet. Names of candidates will be arranged on the ballot in accordance with the random alphabet. (<i>E.C. Sec. 13112</i>)</p> <p>Exception: If the office is that of State Senator or Member of the Assembly and the district includes more than one county, the Registrar of Voters in each county shall conduct a drawing of the alphabet. The results of the drawing shall be known as a county randomized ballot and shall be used only to arrange the names of the candidates when the district includes more than one county. (<i>E.C. Sec. 13111</i>)</p> <p>In San Diego County, this will affect the 66th and 73rd Assembly Districts. Those interested in observing the local random drawing are invited to the Registrar of Voters Office: Thursday, March 13, at 11 a.m.</p>
BALLOT ROTATION	<ul style="list-style-type: none"> ◆ Congress ◆ Superior Court Judges <p>Rotated names will appear in the random order in the lowest numbered Assembly District in which the office appears; thereafter, for each succeeding Assembly District, the name appearing first in the last preceding Assembly District shall be placed last, the order of the other names remaining unchanged. (<i>E.C. Sec. 13111</i>)</p> <ul style="list-style-type: none"> ◆ The order of candidates' names for all other offices will not change. (<i>E.C. Sec. 13111</i>) ◆ The order of candidates' names for San Diego Mayor and City Attorney are determined by a separate random draw. These two offices will rotate by City Council Districts, not Assembly Districts. Please ask the San Diego City Clerk (619-533-4060) for details.

CANDIDATE'S OCCUPATION

The state guidelines detailed on the following pages will also be enforced for local offices.

BALLOT DESIGNATION (Continued)

BALLOT DESIGNATION CLARIFICATION

✓ **There are just THREE choices for a ballot designation:**

1. Words designating a currently held elected position; more than three words are allowed.
2. "Incumbent" or "Appointed Incumbent" (if applicable); cannot be combined with any other designation.
3. No more than three words designating the current principal profession, vocation, or occupation, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents.

✓ **State or county central committee members or officers are not considered "elective" offices.**

Therefore, more than three words cannot be used on the ballot to describe these positions. This is a condition of Section §20712 of the Secretary of State Ballot Designation Regulations.

Acceptable: Central Committee Member
Member, Central Committee
(other 3-word variations)

Not Acceptable: Member of the County Central Committee, 78th District
Member of the San Diego County Central Committee
(other excessively long variations)

**The Secretary of State Ballot Designation Regulations
on the following pages explain these choices in further detail.**

✓ **"Community Volunteer" is acceptable if the requirements of E.C. 13107.5 (printed below) are met.**

Section 13107.5

- (a) A candidate's ballot designation as "community volunteer" shall constitute a valid principal vocation or occupation for purposes of subdivision (a) of Section 13107, if not otherwise in violation of any of the restrictions set forth in that section, and subject to the following conditions:
- (1) A candidate's community volunteer activities constitute his or her principal profession, vocation, or occupation.
 - (2) A candidate is not engaged concurrently in another principal profession, vocation, or occupation.
 - (3) A candidate may not use the designation of "community volunteer" in combination with any other principal profession, vocation, or occupation designation.
- (b) The Secretary of State shall by regulation define what constitutes a community volunteer for purposes of this section.

BALLOT DESIGNATION WORKSHEET

(California Elections Code Sec, 13107.3)

- This form must be filed at the same time as the Declaration of Candidacy.
- If this form is not filed, then **NO designation** shall appear under the candidate's name on the ballot.

Name of Candidate: _____

Office Sought: _____

Party (if applicable): _____

Telephone Number: _____

Day

Evening

Contact Info: _____

Fax Number

Email Address

Name of Attorney (or other person authorized to act in your behalf:

Please print

Telephone Number: _____

Day

Evening

Contact Info: _____

Fax Number

Email Address

PROPOSED BALLOT DESIGNATION:

1ST Alternative: _____

2nd Alternative: _____

Describe what you do and why you believe you are entitled to use the requested ballot designation. If using the title of an elective office, you may submit a copy of your certificate of election or appointment.

Your Job Title: _____

Dates in Position: _____

Name of Employer or Business: _____

Person(s) who can verify this information:

Name(s): _____

Telephone Number(s): _____

To the best of my knowledge and belief, the above-requested ballot designation(s) represent my true principal profession(s), vocation(s), and/or occupations(s) that I am entitled to use as my ballot designations pursuant to California Elections Code §13107.

Date: _____ Candidate's Signature: _____

You may attach any documents or exhibits that you believe support your proposed ballot designation. These documents will not be returned to you. Therefore, **do not submit originals.**

CALIFORNIA ELECTIONS CODE SECTIONS REGARDING BALLOT DESIGNATION REQUIREMENTS

Section 13106.

No title or degree shall appear on the same line on a ballot as a candidate's name, either before or after the candidate's name, in the case of any election to any office.

Section 13107.

- (a) With the exception of candidates for Justice of the State Supreme Court or court of appeal, immediately under the name of each candidate, and not separated from the name by any line, may appear at the option of the candidate only one of the following designations:
- (1) Words designating the elective city, county, district, state, or federal office which the candidate holds at the time of filing the nomination documents to which he or she was elected by vote of the people, or to which he or she was appointed, in the case of a superior court judge.
 - (2) The word "incumbent" if the candidate is a candidate for the same office which he or she holds at the time of filing the nomination papers, and was elected to that office by a vote of the people, or, in the case of a superior court judge, was appointed to that office.
 - (3) No more than three words designating either the current principal professions, vocations, or occupations of the candidate, or the principal professions, vocations, or occupations of the candidate during the calendar year immediately preceding the filing of nomination documents. For purposes of this section, all California geographical names shall be considered to be one word. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
 - (4) The phrase "appointed incumbent" if the candidate holds an office other than a judicial office by virtue of appointment, and the candidate is a candidate for election to the same office, or, if the candidate is a candidate for election to the same office or to some other office, the word "appointed" and the title of the office. In either instance, the candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed." However, the phrase "appointed incumbent" shall not be required of a candidate who seeks reelection to an office which he or she holds and to which he or she was appointed, as a nominated candidate, in lieu of an election, pursuant to Sections 5326 and 5328 of the Education **Code** or Section 7228, 7423, 7673, 10229, or 10515 of this **code**.
- (b) Neither the Secretary of State nor any other election official shall accept a designation of which any of the following would be true:
- (1) It would mislead the voter.
 - (2) It would suggest an evaluation of a candidate, such as outstanding, leading, expert, virtuous, or eminent.
 - (3) It abbreviates the word "retired" or places it following any word or words which it modifies.
 - (4) It uses a word or prefix, such as "former" or "ex-," which means a prior status. The only exception is the use of the word "retired."
 - (5) It uses the name of any political party, whether or not it has qualified for the ballot.
 - (6) It uses a word or words referring to a racial, religious, or ethnic group.
 - (7) It refers to any activity prohibited by law.
- (c) If, upon checking the nomination documents, the election official finds the designation to be in violation of any of the restrictions set forth in this section, the election official shall notify the candidate by registered or certified mail return receipt requested, addressed to the mailing address appearing on the candidate's nomination documents.
- (1) The candidate shall, within three days from the date of receipt of the notice, appear before the election officer or, in the case of the Secretary of State, notify the Secretary of State by telephone, and provide an alternate designation.
 - (2) In the event the candidate fails to provide an alternate designation, no designation shall appear after the candidate's name.
- (d) No designation given by a candidate shall be changed by the candidate after the final date for filing nomination documents, except as specifically requested by the **elections** official as specified in subdivision (c) or as provided in subdivision (e).
- (e) The designation shall remain the same for all purposes of both primary and general **elections**, unless the candidate, at least 98 days prior to the general election, requests in writing a different designation which the candidate is entitled to use at the time of the request.
- (f) In all cases, words so used shall be printed in 8-point roman uppercase and lowercase type except that, if the designation selected is so long that it would conflict with the space requirements of Sections 13207 and 13211, the **elections** official shall use a type size for the designation for each candidate for that office sufficiently smaller to meet these requirements.
- (g) Whenever a foreign language translation of a candidate's designation is required under the Voting Rights Act of 1965 (42 U.S.C.A. Sec. 1971), as amended, to appear on the ballot in addition to the English language version, it shall be as short as possible, as consistent as is practicable with this section, and shall employ abbreviations and initials wherever possible in order to avoid undue length.

CALIFORNIA ELECTIONS CODE SECTIONS REGARDING BALLOT DESIGNATION REQUIREMENTS (Continued)

SECRETARY OF STATE BALLOT DESIGNATION REGULATIONS

The following state regulations will also be enforced for local offices.

§20710. General Provisions.

- (a) The regulatory purpose of this Chapter is to ensure the accurate designation of the candidate upon the ballot in order that an informed electorate may intelligently elect one of the candidates.
- (b) The Secretary of State shall, at all times, apply and interpret the provisions of Elections Code § 13107 and the regulations included in this Chapter in a manner consistent with the regulatory purpose of this Chapter.
- (c) Candidates are not required to use a ballot designation pursuant to Elections Code § 13107, subdivision (a), and may opt to leave the space for such a designation on the ballot blank. In order to notify the elections official as to whether he or she will use a ballot designation or will opt to leave the ballot designation space blank, the candidate must initial the appropriate box on the Declaration of Candidacy or otherwise so indicate on the Declaration of Candidacy.
- (d) Pursuant to Elections Code § 13107, subdivision (a), a candidate may submit a proposed ballot designation pursuant to any one of the four provisions specified in Elections Code § 13107, subdivision (a), subparts (1) through (4), applicable to that candidate. The candidate shall be free to select from which of the applicable four subparts he or she is submitting his or her proposed ballot designation.
- (e) The regulations set forth in this Chapter shall apply only to elections held for offices for which elections returns are certified by the Secretary of State of the State of California.
- (f) Whenever, the word "should" is used in this Chapter, it is recommended, not mandatory.

NOTE: Authority cited: Section 12172.5, Government Code.

Reference: Section 13107, Elections Code.

§20711. Ballot Designation Worksheet. (This is now required per E.C. Section 12107.3)

- (a) In order to facilitate review of a candidate's proposed ballot designation by the Secretary of State pursuant to Elections Code § 13107, the candidate ~~may~~ shall submit, at the time of filing his or her proposed ballot designation on the Declaration of Candidacy, a completed Ballot Designation Worksheet on a form provided by the Secretary of State.
- (b) All Ballot Designation Worksheets filed with the Office of the Secretary of State or the county elections officials pursuant to this section shall be public records and shall be available for inspection and copying at the public counter of the Elections Division of the Office of the Secretary of State, Fifth Floor, 1500 11th Street, Sacramento, California 95814, or at the office of the applicable county elections official.
- (c) The Secretary of State shall provide a master copy or copies of the Ballot Designation Worksheet to all elections officials responsible for providing and accepting the nomination documents for candidates in elections for offices certified by the Secretary of State. The Ballot Designation Worksheet shall request that the candidate proposing the ballot designation provide the following information:
 - (1) The candidate's name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number;
 - (2) A designation of the office for which the candidate is seeking election;
 - (3) The name, home, business and mailing addresses, telephone numbers, e-mail address, if available, and fax number of the attorney representing the candidate or for any other person to be contacted in the event the Secretary of State requires further information regarding the proposed ballot designation;
 - (4) The proposed ballot designation submitted by the candidate;
 - (5) At the option of the candidate, the candidate may submit one or more proposed alternate ballot designations ranked in order of the candidate's preference;

BALLOT DESIGNATION REGULATIONS (Continued)

(6) A brief statement identifying the factual basis upon which the candidate claims the proposed ballot designation and each proposed alternate ballot designation, including the following:

- (A) If the candidate holds elected office and is submitting his or her proposed ballot designation pursuant to Elections Code § 13107, subdivisions (a)(1) or (a)(2), the candidate should indicate the elective office he or she currently occupies and may attach a copy of his or her Certificate of Election;
- (B) If the candidate is a judicial officer and is submitting his or her proposed ballot designation pursuant to Elections Code § 13107, subdivisions (a)(1) or (a)(2), the candidate should indicate the elective office he or she currently holds and may attach either (A) a copy of his or her Certificate of Election or (B) a copy of his or her commission or certificate of appointment, issued at the time the candidate was appointed to the judicial office which he or she currently occupies;
- (C) If the candidate submits a ballot designation pursuant to Elections Code § 13107, subdivision (a)(3), the candidate should indicate:
 - (i) The title of the position or positions which he or she claims supports the proposed ballot designation;
 - (ii) The dates during which the candidate held such position;
 - (iii) A description of the work he or she performs in the position;
 - (iv) The name of the candidate's business or employer;
 - (v) The name and telephone number of a person or persons who could verify such information; and
 - (vi) A statement that the professions, vocations or occupations relied upon to support the proposed ballot designation constitute the primary, main or leading professions, vocations or occupations of the candidate, in accordance with the definition of the term "principal" as set forth at § 20714, subdivision (b).
- (D) If the candidate submits a ballot designation pursuant to Elections Code § 13107, subdivision (a)(4), the candidate should indicate the date on which he or she was appointed to the office for which he or she is an appointed incumbent.

(d) The candidate may attach or append any supporting documents or other exhibits to his or her Ballot Designation Worksheet which he or she believes support his or her proposed ballot designation. Such attached documents or other exhibits shall be deemed to be incorporated by reference as part of the candidate's Ballot Designation Worksheet and shall be considered as such by the Secretary of State.

NOTE: Authority cited: Section 12172.5, Government Code.

Reference: Section 13107, Elections Code.

§20712. Proposed Ballot Designations Submitted Pursuant to Elections Code § 13107, Subdivision (a)(1).

Proposed ballot designations submitted pursuant to Elections Code § 13107, subdivision (a)(1), shall be subject to the following provisions:

- (a) In the case of candidates holding elective city, county, district, state, or federal office, the candidate's ballot designation shall be the elective office which the candidate holds at the time of filing the nomination documents.
- (b) In the case of judicial officers, the candidate's ballot designation shall be the elective office which the candidate holds at the time of filing the nomination documents.
- (c) There shall be no word count limitation applicable to ballot designations submitted pursuant to Elections Code § 13107, subdivision (a)(1).
- (d) Proposed ballot designations indicating a position of legislative leadership, such as "Majority Leader of the California Senate," "Minority Leader of the California State Assembly," "Speaker of the California State Assembly," "President Pro Tempore of the California State Senate," and the like, are not elective offices described in Elections Code § 13107, subdivision (a)(1). Such ballot designations are improper, pursuant to Elections Code § 13107, subdivision (a)(1). They may, however, be considered under the provisions of § 13107(a)(3).
- (e) Proposed ballot designations indicating that the candidate is a member of the state or county central committee of a political party, or an officer of a state or county central committee of a political party, are improper, as such positions do not constitute elective county or state offices as specified in Elections Code § 13107, subdivision (a)(1).

NOTE: Authority cited: Section 12172.5, Government Code.

Reference: Section 13107, Elections Code.

BALLOT DESIGNATION REGULATIONS (Continued)

§20713. Proposed Ballot Designations Submitted Pursuant to Elections Code § 13107, Subdivision (a)(2).

Proposed ballot designations submitted pursuant to Elections Code § 13107, subdivision (a)(2), shall be subject to the following provisions:

- (a) A proposed ballot designation submitted pursuant to Elections Code § 13107, subdivision (a)(2), is limited "incumbent," as that term is defined in Elections Code § 13107, subdivision (a)(2).
- (b) The term "incumbent" must be used as a noun. It shall not be used in conjunction with any other words, including any accompanying adjectives or modifiers, and must stand alone. A candidate qualified to use this designation pursuant to Elections Code § 13107, subdivision (a)(2), shall be entitled to use the ballot designation "Incumbent."
- (c) The word "incumbent" is strictly limited for use in ballot designations submitted pursuant to Elections Code § 13107, subdivision (a)(2), and may not be used as an adjective in any other ballot designation.

NOTE: Authority cited: Section 12172.5, Government Code.

Reference: Section 13107, Elections Code.

§20714. Proposed Ballot Designations Submitted Pursuant to Elections Code § 13107, Subdivision (a)(3).

Proposed ballot designations submitted pursuant to Elections Code § 13107, subdivision (a)(3), shall be subject to the following provisions:

- (a) The terms "profession," "vocation," or "occupation," as those terms are used in Elections Code § 13107, subdivision (a)(3), are defined as follows:
 - (1) "Profession" means a field of employment requiring special education or skill and requiring specific knowledge of a particular discipline of learning or science. The labor and skill involved in a profession is predominantly mental or intellectual, rather than physical or manual. Recognized professions generally include, but are not limited to, law, medicine, education, engineering, accountancy, and journalism. Examples of an acceptable designation of a "profession," as defined in Elections Code § 13107, subdivision (a)(3), include, but are not limited to, "attorney," "physician," "accountant," "architect," and "teacher."
 - (2) "Vocation" means a trade, a religious calling, or the work upon which a person, in most but not all cases, relies for his or her livelihood and spends a major portion of his or her time. As defined, vocations may include, but are not limited to, religious ministry, child rearing, homemaking, elderly and dependent care, and engaging in trades such as carpentry, cabinetmaking, plumbing, and the like. Examples of an acceptable designation of a "vocation," as defined in Elections Code § 13107, subdivision (a)(3), include, but are not limited to, "minister," "priest," "mother," "father," "homemaker," "dependent care provider," "carpenter," "plumber," "electrician," and "cabinetmaker."
 - (3) "Occupation" means the employment in which one regularly engages or follows as the means of making a livelihood. Examples of an acceptable designation of an "occupation," as defined in Elections Code § 13107, subdivision (a)(3), include, but are not limited to, "rancher," "restaurateur," "retail salesperson," "manual laborer," "construction worker," "computer manufacturing executive," "military pilot," "secretary," and "police officer."
- (b) "Principal," as that term is used in Elections Code § 13107, subdivision (a)(3), means a substantial involvement of time and effort such that the activity is one of the primary, main or leading professional, vocational or occupational endeavors of the candidate. The term "principal" precludes any activity which does not entail a significant involvement on the part of the candidate. Involvement which is only nominal, pro forma, or titular in character does not meet the requirements of the statute.
 - (1) If a candidate is licensed by the State of California to engage in a profession, vocation or occupation, the candidate is entitled to consider it one of his or her "principal" professions, vocations or occupations if (i) the candidate has maintained his or her license current as of the date he or she filed his or nomination documents by complying with all applicable requirements of the respective licensure, including the payment of all applicable license fees and (ii) the status of the candidate's license is active at the time he or she filed his or her nomination documents.
 - (2) A candidate who holds a professional, vocational or occupational license issued by the State of California may not claim such profession, vocation or occupation as one of his or her "principal" professions, vocations or occupations if (i) the candidate's licensure status is "inactive" at the time the candidate files his or her nomination document, or (ii) the candidate's license has been suspended or revoked by the agency issuing the license at the time the candidate files his or her nomination documents.

BALLOT DESIGNATION REGULATIONS (Continued)

- (c) In order for a ballot designation submitted pursuant to Elections Code § 13107, subdivision (a)(3), to be deemed acceptable by the Secretary of State, it must accurately state the candidate's principal professions, vocations or occupations, as those terms are defined in subdivisions (a) and (b) herein. Each proposed principal profession, vocation or occupation submitted by the candidate must be factually accurate, descriptive of the candidate's principal profession, vocation or occupation, must be neither confusing nor misleading, and must be in full and complete compliance with Elections Code § 13107 and the regulations included in this Chapter.
- (d) If the candidate is engaged in a profession, vocation or occupation at the time he or she files his or her nomination documents, the candidate's proposed ballot designation is entitled to consist of the candidate's current principal professions, vocations and occupations. In the event the candidate does not have a current principal profession, vocation or occupation at the time he or she files his or her nomination documents, the candidate may use a ballot designation consisting of his or her principal professions, vocations or occupations, which the candidate was principally engaged in during the calendar year immediately preceding the filing of the candidate's nomination papers.
- (e) A candidate may engage in multiple principal professions, vocations or occupations. Accordingly, the candidate may designate multiple principal professions, vocations or occupations. If a candidate proposes a ballot designation including multiple principal professions, vocations or occupations, the proposed ballot designation must comply with the following provisions:
 - (1) The proposed ballot designation must comply with the three-word limitation specified in Elections Code § 13107, subdivision (a)(3), and as implemented pursuant to subdivision (f) herein.
 - (2) Each such proposed profession, vocation or occupation shall be separately considered by the Secretary of State and must independently qualify as a "principal" profession, vocation or occupation, as that term is defined pursuant to subdivision (b) herein.
 - (3) When multiple professions, vocations or occupations are proposed as a ballot designation, they shall be separated by a slash ("/"). An example of an acceptable designation would be "Legislator/Rancher/Physician."
- (f) Pursuant to Elections Code § 13107, subdivision (a)(3), the candidate's ballot designation shall be limited to not more than three (3) words. The following rules shall govern the application of the three word limitation:
 - (1) The proposed ballot designation shall be grammatically correct, generic, and all words must be spelled correctly.
 - (2) Punctuation shall be limited to the use of a comma (e.g., District Attorney, Los Angeles County) and a slash (e.g., Legislator/Rancher/Physician), pursuant to subdivision (e) of this section. A hyphen may be used if, and only if, the use of a hyphen is called for in the spelling of a word as it appears in a standard reference dictionary of the English language.
 - (3) All California geographical names shall be considered to be one word and shall be limited to the names of cities, counties and states. The names of special districts and political subdivisions are not "geographical names," as that term is used in Elections Code § 13107, subdivision (a)(3). If the candidate desires, the geographical name may be used in the form of "City of . . .," "County of . . .," or "City and County of . . ." Examples of geographical names considered to be one word include Tehama County, Los Angeles County and County of Sacramento.
 - (4) An acronym shall be counted as one word.

NOTE: Authority cited: Section 12172.5, Government Code.

Reference: Section 13107, Elections Code

§20715. Proposed Ballot Designations Submitted Pursuant to Elections Code § 13107, Subdivision (a)(4).

- (a) Pursuant to Elections Code § 13107, subdivision (a)(4), a candidate may propose a ballot designation consisting of the phrase "appointed incumbent" if the candidate holds an office, other than a judicial office, by virtue of appointment, and the candidate is a candidate for election to the same office. The candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed."
- (b) Pursuant to Elections Code § 13107, subdivision (a)(4), a candidate may propose a ballot designation consisting of the word "appointed" in conjunction with the elective office, if the candidate is a candidate for election to the same office or to some other office. The candidate may not use any words designating the office unmodified by the word "appointed."
- (c) There shall be no word count limitation applicable to ballot designations submitted pursuant to Elections Code § 13107, subdivision (a)(4).

NOTE: Authority cited: Section 12172.5, Government Code.

Reference: Section 13107, Elections Code.

BALLOT DESIGNATION REGULATIONS (Continued)

§20716. Unacceptable Ballot Designations.

- (a) The Secretary of State shall reject as unacceptable any proposed ballot designation which fails to comply with, or is otherwise inappropriate pursuant to, Elections Code § 13107, subdivision (a); is prohibited pursuant to Elections Code § 13107, subdivision (b); is misleading; or is otherwise improper pursuant to the regulations set forth in this Chapter.
- (b) The following types of activities are distinguished from professions, vocations and occupations and are not acceptable as ballot designations pursuant to Elections Code § 13107, subdivision (a)(3):
 - (1) *Avocations*: An avocation is a casual or occasional activity, diversion or hobby pursued principally for enjoyment and in addition to the candidate's principal profession, vocation or occupation. Avocations may include, but are not limited to, hobbies, social activities, volunteer work, and matters pursued as an amateur.
 - (2) *Pro Forma Professions, Vocations and Occupations*: Pro forma professions, vocations or occupations are positions held by the candidate which consume little or none of the candidate's time and which, by their nature, are voluntary or for which the candidate is not compensated. Pro forma professions, vocations and occupations may include, but are not limited to, such pursuits as honorary peace officer, volunteer firefighter, honorary chairperson, honorary professor, goodwill ambassador, official host or hostess and the like.
 - (3) *Statuses*: A status is a state, condition, social position or legal relation of the candidate to another person, persons or the community as a whole. A status is generic in nature and generally fails to identify with any particular specificity the manner by which the candidate earns his or her livelihood or spends the substantial majority of his or her time. Examples of a status include, but are not limited to, philanthropist, activist, patriot, taxpayer, concerned citizen, husband, wife, and the like.
- (c) Pursuant to Elections Code § 13107, subdivision (b)(1), the Secretary of State shall reject as unacceptable any proposed ballot designation which would mislead voters. In making this determination, the Secretary of State shall determine whether there is a substantial likelihood that a reasonably prudent voter would be misled as to the candidate's principal profession, vocation or occupation by the candidate's proposed ballot designation. The determination shall take into account the plain meaning of the words constituting the proposed ballot designation and the factual accuracy of the proposed ballot designation based upon supporting documents or other evidence submitted by the candidate in support of the proposed ballot designation, pursuant to §§ 20711 and 20717 of this Chapter.
- (d) A ballot designation may not comprise or include commercial identification information, such as a trademark, service mark, tradename, or the specific name of a business, partnership, corporation, company, foundation, or organization. Examples of an improper use of commercial identification information include, but are not limited to, "Acme Company President," "Universal Widget Inventor," "Director, Smith Foundation," "UCLA Professor," and the like
- (e) Pursuant to Elections Code § 13107, subdivision (b)(2), the Secretary of State shall reject as unacceptable any proposed ballot designation which would suggest an evaluation of the candidate's qualifications, honesty, integrity, leadership abilities or character. Any laudatory or derogatory adjectives which would suggest an evaluation of the candidate's qualifications shall not be permitted. Such impermissible adjectives include, but are not limited to, "outstanding," "leading," "expert," "virtuous," "eminent," "best," "exalted," "prominent," "famous," "respected," "honored," "honest," "dishonest," "corrupt," "lazy," and the like.
- (f) Pursuant to Elections Code § 13107, subdivision (b)(3), the Secretary of State shall reject as unacceptable any proposed ballot designation which abbreviates the word "retired" or places it following any word or words which it modifies. Examples of impermissible designations include "Ret. Army General," "Major USAF, Retired" and "City Attorney, Retired."
- (g) Pursuant to Elections Code § 13107, subdivision (b)(4), the Secretary of State shall reject as unacceptable any proposed ballot designation which uses a word or prefix to indicate a prior profession, vocation, occupation or elected, appointed or judicial office previously held by the candidate. Such impermissible words or prefixes include, but are not limited to, "Ex-," "former," "past," and "erstwhile." Examples of impermissible designations include "Former Congressman," "Ex-Senator," and "Former Educator."

BALLOT DESIGNATION REGULATIONS (Continued)

- (h) Subject to the provisions of Elections Code § 13107, subdivision (b)(4), use of the word “retired” in a ballot designation is generally limited for use by individuals who have permanently given up their chosen principal profession, vocation or occupation. In evaluating a proposed ballot designation including the word “retired,” the Secretary of State will consider the following factors in making a determination as to the propriety of the use of the term “retired”:
- (1) Prior to retiring from his or her principal profession, vocation or occupation, the candidate worked in such profession, vocation or occupation for more than 5 years;
 - (2) The candidate is collecting, or eligible to collect, retirement benefits or other type of vested pension;
 - (3) The candidate has reached at least the age of 55 years;
 - (4) The candidate voluntarily left his or her last professional, vocational or occupational position;
 - (5) If the candidate is requesting a ballot designation that he or she is a retired public official, the candidate must have previously voluntarily retired from public office, not have been involuntarily removed from office, not have been recalled by voters, and not have surrendered the office to seek another office or failed to win reelection to the office;
 - (6) The candidate has not had another more recent, intervening principal profession, vocation or occupation; and,
 - (7) The candidate's retirement benefits are providing him or her with a principal source of income.
- (i) Pursuant to Elections Code § 13107, subdivision (b)(5), the Secretary of State shall reject as unacceptable any proposed ballot designation which uses the name of any political party, whether or not it has qualified for recognized ballot status.
- (j) Pursuant to Elections Code § 13107, subdivision (b)(6), the Secretary of State shall reject as unacceptable any proposed ballot designation which uses a word or words referring to a racial, religious, or ethnic group.
- (1) The Secretary of State shall reject as unacceptable any ballot designation which expressly contains or implies any ethnic or racial slurs or ethnically or racially derogatory language.
 - (2) If the candidate is a member of the clergy, the candidate may not make reference to his or her specific denomination. However, the candidate may use his or her clerical title as a ballot designation (e.g., “Rabbi,” “Pastor,” “Minister,” “Priest,” “Bishop,” “Deacon,” “Monk,” “Nun,” “Imam,” etc.)
- (k) Pursuant to Elections Code § 13107, subdivision (b)(6), the Secretary of State shall reject as unacceptable any proposed ballot designation which refers to any activity prohibited by law. Unlawful activity includes any activities, conduct, professions, vocations, or occupations prohibited by state or federal law.

NOTE: Authority cited: Section 12172.5, Government Code.

Reference: Section 13107, Elections Code.

§20717. Requests for Supporting Documentation.

In addition to the Ballot Designation Worksheet requested to be filed with the Secretary of State pursuant to § 20711 of this Chapter, the Secretary of State may request that a candidate submit additional supporting documentation or other evidence to support the proposed ballot designation.

- (a) Time is of the essence regarding all matters pertaining to the review of proposed ballot designations submitted by candidates for public office. Failure to promptly submit requested supporting materials will preclude consideration of such materials and the rendering of a summary, final decision on the candidate's proposed ballot designation.
- (b) The Secretary of State will communicate, whenever possible, with the candidate in the most expeditious manner, including, but not limited to, telephone, facsimile transmission and electronic mail at the number or address provided by the candidate. When the candidate does not have reasonable access to a facsimile machine or electronic mail, the Secretary of State will transmit written communication to the candidate by means of overnight express delivery to the address provided by the candidate.
- (c) The candidate shall have the burden of establishing that the proposed ballot designation that he or she has submitted is accurate and complies with all provisions of Elections Code § 13107 of this Chapter.

NOTE: Authority cited: Section 12172.5, Government Code.

Reference: Section 13107, Elections Code.

BALLOT DESIGNATION REGULATIONS (Continued)

§20718. Communication of Decisions Regarding Ballot Designations.

- (a) An official copy of the decision of the Secretary of State regarding a candidate's ballot designation will be made in writing and transmitted directly to the candidate by registered or certified mail, return receipt requested, to the address provided by the candidate. The Secretary of State shall also provide a copy to the elections official in the candidate's county of residence and to the elections official of each county within the political subdivision. Copies may also be made available to all other candidates in the race.
- (b) At the request of the candidate, the Secretary of State will transmit an unofficial copy of the decision of the Secretary of State regarding the candidate's proposed ballot designation by facsimile transmission sent to the facsimile number listed on the candidate's Ballot Designation Worksheet. When the candidate does not have reasonable access to a facsimile machine, the Secretary of State will transmit to the candidate, at the candidate's request, an unofficial copy of the decision by means of overnight express delivery to the address listed on the candidate's Ballot Designation Worksheet provided. If the candidate has not submitted a Ballot Designation Worksheet, the Secretary of State will transmit an official copy to the facsimile number provided by the candidate or, if the candidate does not have reasonable access to a facsimile machine, by overnight express mail to the address provided by the candidate.
- (c) All written decisions of the Secretary of State regarding ballot designations are public records and are available for inspection and copying at the public counter of the Elections Division of the Office of the Secretary of State, 1500 11th Street, Fifth Floor, Sacramento, California 95814.

NOTE: Authority cited: Section 12172.5, Government Code.
Reference: Section 13107, Elections Code.

§20719. Service of Legal Process Regarding Ballot Designations.

- (a) In the event a candidate or other interested party files a petition for the issuance of an extraordinary writ with the court or other legal action pertaining to a candidate's ballot designation, the summons and any other legal process should be served upon the Chief Counsel to the Secretary of State, Legal Affairs Unit, Executive Office of the Secretary, 1500 11th Street, Sixth Floor, Sacramento, California 95814. The Chief Counsel may designate a Deputy Secretary of State in the Legal Affairs Unit to accept service of process on behalf of the Secretary of State.
- (b) Telephone notice pertaining to any ex parte applications filed with the court by any candidate or other interested party should be directed to the attention of the Chief Counsel to the Secretary of State at 916-653-7244. Counsel for all parties to such ex parte matters are admonished that waivers of the Secretary of State's right to timely notice and the right to personally appear at the ex parte hearing will be granted in writing and only in limited instances.
- (c) The Secretary of State shall provide a copy of any legal actions in subdivision (a) or (b) above to the elections official in the county of the candidate's residence and any other county in the district.

NOTE: Authority cited: Section 12172.5, Government Code.

CANDIDATE'S STATEMENT OF QUALIFICATIONS GUIDELINES

(Elections Code Section 13307 Excerpts)

FILING PERIOD	The statement shall be filed in the Registrar of Voters Office when nomination documents are returned for filing.
WHERE	Registrar of Voters Office 5201 Ruffin Road, Suite I San Diego, CA 92123
CONTENTS	The statement may contain the name, age and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate. (Some districts have increased the statement to 250 or 400 words; please see the requirements for each office in a separate section of this guide.)
EXAMINATION PERIOD	During the 10-calendar-day examination period following the deadline for submission of the statement any voter of the jurisdiction, or the Registrar of Voters, may seek a writ of mandate or an injunction requiring any or all of the material to be amended or deleted.
LIABILITY	Nothing in this section shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the Voter Information Pamphlet.
FORMAT	<p>Candidates are asked to TYPE their statement SINGLE SPACED in BLOCK PARAGRAPHS on a form provided by the Registrar of Voters.</p> <p>The following WILL NOT be permitted:</p> <ul style="list-style-type: none"> ◆ Handwritten statement ◆ Stars, bullets, graphics ◆ Copy from a fax machine ◆ Italics ◆ Extra exclamation points <p>The statement may have "enhanced" words that are Bold, ALL CAPITAL LETTERS, <u>underlined</u>, or ANY COMBINATION. However, no more than 50% of the words may be "enhanced." Please see the page following these "Guidelines" for an example of an acceptable format. STATEMENTS WILL BE TYPESET EXACTLY AS SUBMITTED; candidates are therefore advised to carefully check their statements for errors in spelling, punctuation and grammar. The Registrar of Voters is authorized to make corrections only to the format of the statement.</p> <p>If the Registrar of Voter's form is not used, the statement must be typed, SINGLE SPACED in BLOCK PARAGRAPHS on plain white paper (8 ½" x 11") with MARGINS (both LEFT and RIGHT) of NO LESS than ½ inch. A fixed pitch font such as COURIER is recommended.</p> <p>The California Elections Code intends uniformity of appearance of the candidates' statements. By preparing a candidate statement in accordance with the above guidelines, each statement will be uniformly printed and allowed the same amount of space in the Voter Information Pamphlet. This avoids favored composition or printing of one candidate's statement over another.</p> <p>The statement will be printed in 8-point type in the Voter Information Pamphlet. Only the candidate's name, age and occupation will be printed in 10-point type.</p> <p>San Diego Unified: Please see the format exceptions and photograph requirements on Page 51, along with instructions regarding the use of quotations and names in the statement.</p>
RESTRICTIONS	The candidate's statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations. Candidate's photographs are not permitted.

CANDIDATE'S STATEMENT OF QUALIFICATIONS GUIDELINES

(Continued)

WITHDRAWAL	The statement may be withdrawn, but not changed, until 5 p.m. of the next business day after the close of the nomination period.
CONFIDENTIAL	The candidates' statements shall remain confidential until the close of the nomination period. (<i>E.C. Sec. 13311</i>)
STATEMENT MUST NOT REFER TO OTHERS	Any candidate's statement submitted pursuant to Section 13307 shall be limited to a recitation of the candidate's own personal background and qualifications, and shall not in any way make reference to other candidates or to another candidate's qualifications, character, or activities . The Registrar of Voters shall not cause to be printed or circulated any statement which the clerk determines is not so limited or which includes any such references. (<i>E.C. Sec. 13308</i>)
SPANISH, FILIPINO & VIETNAMESE TRANSLATION	<p>All sample ballot pamphlet text, including candidates' statements are also translated into Spanish, Filipino and Vietnamese. In addition to receiving an English sample ballot pamphlet, registered voters may also request a pamphlet in Spanish, Filipino or Vietnamese.</p> <p>In addition, registered voters who were born in Hispanic speaking countries, the Philippines, or Vietnam, will also be sent a pamphlet in the language of the country in which they were born. This action is in compliance with the Federal Voting Rights Act Extension of 2002.</p> <p>On Election Day, Spanish sample ballot pamphlets will be available at every polling location. Filipino and Vietnamese sample ballot pamphlets will be available at targeted polls throughout the county.</p>
COST	<p>Candidates' statements are paid for at the time they are filed. The cost is shown on the individual page for each office. All money is held in a Trust Fund and if, for any reason, the statement is not printed, the money will be refunded. The candidate must complete IRS Form W-9 before a refund check can be issued by the County.</p> <p>The cost is calculated to recover expenses for Spanish, Filipino and Vietnamese translation, typesetting, printing, addressing, and mailing of the candidate statement portion of the English and Spanish, Filipino, and Vietnamese sample ballot pamphlets.</p>

NOTICE

Candidates are encouraged to read the court opinions starting on Page 53 regarding restrictions of content in the Candidate's Statement of Qualifications, along with the County Counsel opinion regarding possible financial liability if a lawsuit is filed.

WORD COUNT

(California Elections Code Section 9)

The following shall apply to the counting of words:

1. Punctuation is not counted.
2. Each word shall be counted as one word except as specified in this section.
3. All geographical names shall be considered as one word

Example: "County of San Diego" shall be counted as one word.

4. Each abbreviation for a word, phrase, or expression shall be counted as one word.

Example: "PTA" shall be counted as one word.

5. Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.

Example: "Self-employed" shall be counted as one word.

Example: "Top-to-bottom" shall be counted as three words.

6. Dates consisting of a combination of words and digits shall be counted as two words. Dates consisting only of a combination of digits shall be counted as one word.

Example: "6/3/08" shall be counted as one word.

Example: "June 3, 2008" shall be counted as two words.

7. Any number consisting of a digit or digits shall be considered as one word. Any number which is spelled, such as "one," shall be considered as a separate word or words. "One" shall be counted as one word whereas "one hundred" shall be counted as two words. "100" shall be counted as one word.
8. Telephone numbers shall be counted as one word.
9. Internet web site addresses shall be counted as one word.

This section shall not apply to counting words for ballot designations under Elections Code Section 13107.

EXAMPLE OF AN ACCEPTABLE FORMAT FOR A CANDIDATE'S STATEMENT OF QUALIFICATIONS

JURISDICTION NAME IN CAPITAL LETTERS Division/District/Office No. in Upper & Lower Case

PAT DOE
Fortune Teller/Comedian

Age: ##
(Optional)

FORMAT/CONTENT: This is an example of an acceptable format to be used in a candidate's statement of qualifications. The guidelines for the content of the statement are in a separate section of the Candidate Filing Guide.

HIGHLIGHTS: It is acceptable for some words or phrases to be **bold** or underlined or **bold and underlined**. Some words may also be in ALL CAPITAL LETTERS or in ANY COMBINATION. The beginning of each paragraph may also be highlighted as shown in this example.

PARAGRAPHS: The candidate statement is printed in "block" paragraphs, which means each paragraph will start on the left and the right margins will be justified (as shown in this example). A double space will appear between paragraphs. Special indentations are not allowed. If a list is to be printed (clubs, accomplishments, goals, etc.), it will appear as shown in the following paragraph (with "dots" separating the items).

I belong to the following organizations: PTA . . . Chamber of Commerce . . . Zoological Society. If elected, I will: 1) lower taxes; 2) increase services; and 3) cure the common cold. If a list is provided in an unacceptable format, the Registrar of Voters will make modifications so it conforms to these rules.

Some jurisdictions allow a 400-word statement. In that case, the statement will be printed on the entire page, not on just one-half of the page.

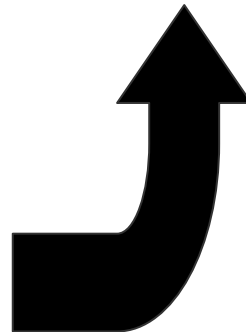
NEW POLICY FOR SAN DIEGO COUNTY:

No more than 50% of the words may be "enhanced."

An "enhanced" word is:

- **Bold,**
- ALL CAPITAL LETTERS
- underlined,
- or ANY COMBINATION.

IMPORTANT!
Please Read



(The above example does not apply to San Diego Unified School District.
Please see guidelines on the next page.)

SAN DIEGO UNIFIED SCHOOL DISTRICT

Exceptions to the Candidate's Statement Of Qualifications Guidelines

LIMITATIONS	Candidates are not limited to the paragraph format restrictions as explained in the Candidate's Statement of Qualifications Guidelines. Please ask for details or examples from prior elections.
PHOTOGRAPH	Candidates are allowed to have their photograph printed in the Voter Information Pamphlet, along with the statement. For best results, this should be a 5" x 7" black & white glossy (color does not reproduce well), showing just the head and shoulders of the candidate. Anything else submitted will be cropped to fit. The photograph will then be reduced to fit in the pamphlet.
COST	The candidate shall pay the cost to have the statement printed in a Primary Election and the District shall pay the cost in a General Election. This is in accordance with a Board Resolution dated September 14, 1982. The cost for each district is shown on a separate page for this office.

NOTICE TO CANDIDATES REGARDING USE OF QUOTATIONS AND NAMES IN STATEMENT OF CANDIDATE'S QUALIFICATIONS

San Diego Municipal Code Section 27.0620 provides instructions about the Statement of Candidate's Qualifications.

Subsection (c) provides that the statement may include the use of a quotation from an individual, an organization, and publications. Use of the quotation requires written authorization from the individual, as well as the organization. The consent of an organization must be signed by an officer or other duly authorized representative of the organization. If the quotation is from a publication, a copy of the publication may be provided instead of a letter. All authorizations must be filed at the same time as the statement of qualifications, or the quotation will not be permitted in the statement.

Additionally, subsection (d) provides that the statement may include the names of family members and that any other names included in the statement must be authorized in writing by the individual or organization whose name is included in the statement, and that such authorization shall be filed with the Clerk's Office at the same time that the statement is filed.

The City Clerk's Office interprets this section to mean that the use of another individual's name in the statement, if not that of a family member, must be accompanied by a letter of authorization. The use of an organization's name, if included as an endorsement, must also be accompanied by a letter. Organizational names included in the statement as biographical information – such as the business names of former or current employers, colleges and universities attended, organizational memberships, affiliations or awards, and similar references – will not be subject to the authorization requirement.

Candidates are further reminded that the statement is a description of the candidate's qualifications. References to other candidates, officeholders and opponents are prohibited by Section 27.0621 of the San Diego Municipal Code.

The City Attorney has reviewed this interpretation and finds it to be a reasonable interpretation of these code sections.

Note:

The required documentation must be filed at the same time as the Candidate's Statement.

CANDIDATES' STATEMENTS OF QUALIFICATIONS FOR STATE LEGISLATIVE CANDIDATES

Candidates for State Senate and State Assembly are allowed to submit a 250-word Candidate's Statement of Qualifications for inclusion in the sample ballot pamphlet, **IF** the provisions of Proposition 34 are met. The candidate must agree to:

1. Voluntary spending limits and indicate this by checking the appropriate box on Form 501.
2. Format guidelines and other criteria shown on Page 47.
3. Submit the statement no later than March 7, 2008 (preferably at the same time as nomination papers)
4. File the statement with the Registrar of Voters of each county in which the jurisdiction appears. (The statement is not required to be printed in each county.) Format and payment may vary by county. Please contact each county for guidelines and costs:

Jurisdiction	County	Contact Information
66 th Assembly	Riverside	951-486-7210; Rebecca Martine
73 rd Assembly	Orange	714-567-7563; Candidate Services Section

The cost for San Diego County is determined as follows: \$100 set-up fee, plus \$5.00 per 1,000 registered voters within the candidate's own party and jurisdiction. The cost is shown below:

DISTRICT	POLITICAL PARTIES – Cost by District (San Diego County only)					
	DEM.	REP.	AM. IND.	GREEN	LIB.	P&F
39 th Senate	905	715	150	120	115	105
66 th Assembly	150	215	110	105	105	105
73 rd Assembly	210	250	115	105	105	105
74 th Assembly	420	585	130	110	110	105
75 th Assembly	435	595	125	110	110	105
76 th Assembly	510	405	130	115	110	105
77 th Assembly	410	580	130	110	110	105
78 th Assembly	520	440	125	110	110	105
79 th Assembly	415	290	115	105	105	105

CANDIDATE STATEMENTS LIMITED TO CANDIDATE'S OWN QUALIFICATIONS

Court Decision Prohibits Any Reference to Opponents

All prospective candidates should be aware of the Court of Appeals ruling in the recent court case of Dean v. Superior Court. The 1998 decision analyzed California Elections Code section 13307, the statute governing the content of a candidate's statement for local office. The Court of Appeals concluded that the statement prepared by a candidate for inclusion in a voter's pamphlet may include comments on one's own qualifications, but may not include comments on one's opponents' qualifications, or lack thereof. A copy of the Dean decision has been reprinted in its entirety in this Guide for the convenience of prospective candidates.

***“The Dean decision is clear . . .
candidates are not to refer to their opponents
in any manner in the candidate's statement.”***

The Dean decision is clear - candidates are not to refer to their opponents in any manner in the candidate's statement. All candidates should confine their voter pamphlet statement to a listing of their particular qualifications and pertinent biographical information.

Importantly, persons seeking office that use the candidate's statement as a forum for attacking an opponent are subject to legal action by the opponent. The opponent can request that the court strike all improper content in a candidate's statement. **If successful in this effort, the candidate can request and the court can order the losing candidate to pay the attorney's fees and costs incurred by the opponent in challenging the candidate's non-conforming statement.** Accordingly, it is in each candidate's best interest to use his or her allotted words wisely and within the permissible scope of Elections Code section 13307.

Prospective candidates are solely responsible for preparation and submittal of candidate's statements that are in conformance with Elections Code section 13307 and other pertinent provisions of the California Elections Code. The Registrar of Voters and its employees and agents do not have the legal authority to reject or modify candidate statements containing improper content. Challenges to written material in a voter's pamphlet are governed by Elections Code section 13313, which authorizes the courts to amend or delete false, misleading or inconsistent material.

***“The Registrar of Voters and its employees and agents
do not have the legal authority to reject or modify
candidate statements containing improper content.”***

CERTIFIED FOR PUBLICATION
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION THREE

JOHN F. DEAN,

Petitioner,

v.

THE SUPERIOR COURT OF
ORANGE COUNTY,

Respondent;

ROSALYN LEVER et al.,

Real Parties in Interest.

G023111

(Super. Ct. No. 791765)

O P I N I O N

Original proceedings; petition for a writ of mandate to challenge an order of the Superior Court of Orange County, John C. Woolley, Judge. Writ issued.
Darryl R. Wold and Reed & Davidson for Petitioner.
No appearance for Respondent.
Mark S. Rosen for Real Party in Interest Darrell Opp.
No appearance for Real Party in Interest Rosalyn Lever.

* * *

Petitioner, a candidate for local office, seeks extraordinary writ relief mandating the Registrar of Voters delete part of an opponent's candidate statement as an impermissible personal attack on petitioner. We issue relief and conclude the superior court erred in not ordering the deletion.

Darrell Opp seeks to unseat the incumbent petitioner, John Dean, as county superintendent of schools in the upcoming June 1998 election. Opp submitted a candidate statement to the Registrar of Voters which began with the following three paragraphs commenting on petitioner: "[¶] The incumbent, John Dean, is failing our schools, our children and the taxpayers. [¶] Under Dean's tenure \$250,000,000 (Two Hundred and Fifty Million!) was borrowed to gamble in the bankrupt Citron investment pool. Dean personally authorized this borrowing. He is one of the few remaining county officials who has not resigned or been removed from office for his role in this fiasco. [¶] Dean's 'leadership' over the last eight years resulted in massive increases in the size of the County bureaucracy. Elected on a platform to cut the county budget, instead his budget has increased from \$64 Million to over \$105 Million."¹

Dean challenged Opp's candidate statement by seeking a writ of mandate in the superior court pursuant to Elections Code section 13313.² That section authorizes the court to mandate amendment or deletion of material in the voter's pamphlet which is "false, misleading, or inconsistent with the requirements of this chapter;"

Dean sought relief on two grounds: (1) deletion of the first three paragraphs (quoted above) "because they consist entirely of material that is not permitted to be included in a candidate's statement" and (2) deletion of four false and misleading sentences in the second and third paragraphs of the statement. The trial court denied the request to delete the first three paragraphs in their entirety, but did direct amendments to the second

¹ The statement continues with a recitation of Opp's background, his platform for the County Department of Education, and a list of individuals who have endorsed his candidacy.

² All further references are to the Elections Code unless otherwise noted.

and third paragraphs.³ The only issue presented here is whether the lower court erred in refusing to delete the first three paragraphs in their entirety.

Section 13307 delineates the contents of a candidate's statement for local office, as well as the procedures for inclusion of such a statement in the voter's pamphlet. In pertinent part, the statute provides: "(a)(1) Each candidate for nonpartisan elective office in any local agency, including any city, county, city and county, or district, may prepare a candidate's statement on an appropriate form provided by the elections official. The statement may include the name, age and occupation of the candidate and a brief description, of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself. However, the governing body of the local agency may authorize an increase in the limitations on words for the statement from 200 to 400 words. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations."

"[T]he interpretation and applicability of a statute is a question of law." (*City of Petaluma v. County of Sonoma* (1993) 12 Cal.App.4th 1239, 1244.) In reviewing petitioner's claim, we are guided by well settled rules of statutory interpretation. The most fundamental of these rules is that where the statute is clear, the "plain meaning" rule applies. The Legislature is presumed to have meant what it said, and the plain meaning of the language governs. (*Great Lakes Properties, Inc. v. City of El Segundo* (1977) 19 Cal.3d 152, 155.) "If the language is clear and unambiguous there is no need for construction, nor is it necessary to resort to indicia of the intent of the Legislature" (*Delaney v. Superior Court* (1990) 50 Cal.3d 785, 798.)

The language of section 13307 is unambiguous. "The statement may include the name, age and occupation of the candidate and a brief description . . . of the candidate's education and qualifications" As noted by the Supreme Court in *Clark v. Burleigh* (1992) 4 Cal.4th 474, "[t]he negative implication of this specific list, of course, is that the Legislature did not intend the statutory candidate's statement to contain any other material: *expressio unius est exclusio alterius*. (Citation omitted.)"⁴ (*Id.*, at p. 489, emphasis in original.)

Opp argues *Clark* is distinguishable because section 13308, which governs *judicial* elections, contains specific limitations prohibiting comments on another candidate's qualifications, character or activities. *Clark* first found the implied intent to limit the statement from the same words used in the statute we review here. The additional language specific to judicial elections demonstrates additional express intent. But express intent is unnecessary here under the maxim *expressio unius est exclusio alterius*. "The expression of some things in a statute necessarily means the exclusion of other things not expressed." (*Gikas v. Zolin* (1993) 6 Cal.4th 841, 852, citing *Dyna-Med, Inc. v. Fair Employment & Housing Com.* (1987) 43 Cal.3d 1379, 1391, fn. 13; see also *Lake v. Reed* (1997) 16 Cal.4th 448, 466-467.) Here, the statute expressly authorizes comment's on one's own qualifications, to the exclusion of comments on an opponent's qualifications.

We have received a reply from real party in interest Opp. Further proceedings would add nothing to our review. (See *Palma v. U.S. Industrial Fasteners, Inc.* (1984) 36 Cal.3d 171, 180.) The relevant law and facts are entirely clear. (*Ng v. Superior Court* (1992) 4 Cal.4th 29, 35.) Consequently, additional briefing and oral argument would serve no useful purpose. (*Alexander v. Superior Court* (1993) 5 Cal.4th 1218, 1222-1223.) Moreover, time is of the essence. (See Elec. Code, § 13314, subd. (a)(3).)

Let a peremptory writ of mandate issue directing the Registrar of Voters to delete the first three paragraphs of Opp's candidate statement from the voter's pamphlet and to print the Opp candidate statement in the voter's pamphlet without those three paragraphs. To prevent mootness and to prevent frustration of the relief granted, this court's decision shall be final upon filing of the opinion. (Cal. Rules of Court, rule 24(d).)

SILLS, P. J.

WE CONCUR:

WALLIN, J.

RYLAARSDAM, J.

³ The court directed the second paragraph be amended to read: "During Dean's tenure \$250,000,000 (Two Hundred and Fifty Million!) was borrowed to invest in the risky Citron investment pool. Dean should have prevented this borrowing. He is one of the few remaining bankruptcy-era county officials who has not resigned or been removed from office." The court directed the third paragraph amended to read: "Dean's 'leadership' over the last eight years resulted in massive increases in the size of the County Department of Education bureaucracy. Elected on a platform to cut the Department's budget, instead his budget has increased from \$64 Million to over \$105 Million."

⁴ *Clark* interpreted sections 10012 and 10012.1, the predecessors to sections 13307 and 13308. (See Stats. 1994, ch. 920, § 2.)

The following opinion interprets the term "qualifications" as used in a candidate's statement of qualification printed in the Voter Information Pamphlet.

Filed 12/9/99

**CERTIFIED FOR PUBLICATION
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT**

DIVISION THREE

BARRY HAMMOND, Plaintiff and Respondent, v. LARRY AGRAN, Defendant and Appellant.	G024266 (Super. Ct. No. 798469) O P I N I O N
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Appeal from an order of the Superior Court of Orange County, John C. Woolley, Judge. Reversed and remanded with directions.

Kenneth D. Agran and Jan Rainbird for Defendant and Appellant.

Megan L. Wagner, and Barry Hammond in pro per, for Plaintiff and Respondent.

* * *

The narrow issue on which this case turns is the scope of the word "qualifications" as used in the Elections Code statute governing the content of candidates' statements in voters' pamphlets. (See Elec. Code, § 13307, formerly Elec. Code, § 10012.) It is now established that the word does not encompass attacks on one's opponents. (See *Clark v. Burleigh* (1992) 4 Cal.4th 474, 488-489.) But does it encompass a candidate's *ideas* or *platform*?

The answer is yes: The Legislature envisioned that a candidate's ideas and views (as distinct from attacks on opponents) could fairly constitute "qualifications" within the meaning of the statute. Indeed, common sense would lead to no other conclusion. It is hard to imagine, for example -- if the candidate's statement had been around in the Presidential Election of 1860 -- that Abraham Lincoln's opinions about the expansion of slavery into the territories somehow didn't qualify him to be President, but his work and background as a prominent railroad attorney (work for which in general Lincoln is *not* remembered) did.

FACTS

Larry Agran, formerly a Mayor and city council member of Irvine, ran again for the city council in the November 1998 General Election. In August 1998 he submitted a candidate's statement which consisted of five paragraphs, centered on the general themes of his role of leading the city council in drafting Irvine's general plan, his fidelity to that plan, and his opposition to a commercial airport at a nearby marine base. We reproduce the entirety of the statement in the margin.¹ Barry Hammond, a political opponent of Agran's, then filed a petition for writ of mandate, contending that the middle three

¹ Here is the statement:

"I was privileged to serve on the City Council from 1978 to 1990, including six years as mayor.

"I led the Council in drafting Irvine's General Plan -- a blueprint for the future that clearly prohibited a commercial airport at El Toro. It also provided for safe and quiet neighborhoods, generous greenbelts, parks and recreation facilities, excellent schools, and thousands of acres of natural open space.

"As a former councilmember and attorney who specializes in public-interest law, I know this: We must stand together to defeat the County's airport and jail expansion plan. We must also replace it with the non-aviation Millennium Plan -- a plan for El Toro that includes a 1500-acre central park and nature habitat, surrounded by colleges, libraries, museums and cultural attractions, along with an extension of our world-class research community at the Irvine Spectrum.

"Irvine is once again at a crossroads: Will we fulfill the promises we've made to ourselves and to future generations? Or will we permit County officials to destroy our General Plan?

"I'll do what it takes to defend and enforce Irvine's General Plan. That's why I'm asking for your vote. I'd be privileged to serve you again."

paragraphs of the statement contained "false, misleading and/or inconsistent information."² Hammond contended that Agran could not take credit for his role in the drafting of Irvine's general plan because he was not on the city council when its original general plan was enacted in 1973. He further argued that Elections Code section 13307, precluded his statement from expressing his views on the airport and jail, because they were "not related" to his qualifications.³

On August 25, the court held a hearing at which Agran himself testified. Hammond's counsel took the position that "ideas and point of view are not related" to candidates' "qualifications," saying that ideas could be used to attack another candidate or institution. The trial judge was not immediately persuaded, and asked, "If the qualifications aren't relevant to the voter's decision in casting their vote, what's the purpose of stating qualifications?"

Even so, after the hearing was concluded, the trial court ordered the middle paragraphs stricken in their entirety. The court indicated that it believed this court's decision in *Dean v. Superior Court* (1998) 62 Cal.App.4th 638, and the Supreme Court's decision in *Clark v. Burleigh, supra*, 4 Cal.4th 474, both excluded "campaign statements" or "campaign planks" from the purview of the word "qualifications" as used in Elections Code section 13307.⁴ However, the trial court did allow Agran to prepare an overnight revision of the statement, which it accepted the next morning. The main difference between the two statements is that the new statement narrowed Agran's role in the city's general plan and contained no direct statement of opposition *qua* opposition to a nearby jail or airport; rather, it merely implied Agran's present opposition to a commercial airport through the device of mentioning his past work with an organization designed to "defeat the proposed international airport at El Toro." We also reproduce that statement in the margin.⁵ Agran filed a timely appeal from the order.

² In the statement set out in footnote 1, the *second* paragraph (beginning with, "I led the Council in drafting . . .") was designated by the trial court as paragraph "1," the third paragraph (beginning with, "As a former councilmember . . .") as paragraph "2," and the fourth paragraph ("Irvine is once again . . .") was considered paragraph "3."

³ Elections Code section 13307, subdivision (a)(1) provides:

"Each candidate for nonpartisan elective office in any local agency, including any city, county, city and county, or district, may prepare a candidate's statement on an appropriate form provided by the elections official. The statement may include the name, age and occupation of the candidate and a brief description, of no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself. However, the governing body of the local agency may authorize an increase in the limitations on words for the statement from 200 to 400 words. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations."

For a comprehensive statement of the operation of candidate's statements see *Clark v. Burleigh, supra*, 4 Cal.4th at pages 478 through 479.

All statutory references are to the Elections Code.

⁴ Here is the entirety of the trial court's comments after the matter was submitted:

"The court: Even though the definition proffered, that being a definition of 'qualifications' does have some appeal, it suffers from the same ambiguities that the word 'qualification' suffers. It's a bit like beauty. It's in the eye of the beholder.

"Certainly qualifications would go to skills and qualities. But what's relevant to the electorate in determining their vote creates another set of ambiguities.

"The court strikes paragraphs 1, 2, and 3 in their entirety. It is not the desire of this court to become the ultimate blue line editor of campaign statements.

"The court will entertain up to nine o'clock tomorrow morning a revision that comports with the holding in the Dean case.

"The court does so out of a position of equity because we're all trying to struggle with and work with what the appellate court really truly meant when they passed -- when they gave us the holding in Dean.

"You'll submit [speaking to Agran's attorney] a copy of the proposed new statement to Mr. Sheldon [Hammond's attorney] by not later than 5:00 a.m. You may fax it to him.

"Do you have a fax number?"

Then, after an inquiry from Agran's counsel for "a little bit of guidance, your honor," the court went on:

"I'm not saying everything in here is --

"Mr. Mears [Agran's counsel]: I understand.

"The court: I'm just saying I've chosen not to be the blue line editor.

"Mr. Mears: I understand. [¶] By way of a little bit of guidance, do I understand the court to say that the chief problem that it sees with paragraph 3 and paragraph 4 is that the court views --

The court: I only have them as 1, 2, and 3.

"Mr. Mears: 2 and 3.

"The court: And that's how we've referred to them in our record. I think they're pretty much sales puffing, if you will, campaign statements, campaign planks. They can be adequately addressed using the analysis which is in more detail in Burleigh, by the way, than it is in Dean as to what you can accomplish in other areas. [¶] Anything else?

"Mr. Mears: I don't think so, so your honor."

⁵ The revised statement read:

"I was privileged to serve on the City Council from 1978 to 1990, including six years as Mayor.

"As Mayor, I led the Council in enacting the Conservation and Open Space Element of our General Plan, preserving thousands of acres of hillsides and canyons in their natural state, forever free of development.

"Since 1996, I've served as voluntary chairman of a non-profit citizens' organization working to defeat the proposed international airport at El Toro and replace it with the Millennium Plan -- a comprehensive non-aviation reuse plan.

"I am a Phi Beta Kappa graduate of the University of California, and an honors graduate of Harvard Law School. From 1970 to 1973, I was Legal Counsel to the State Senate Health and Welfare Committee.

DISCUSSION

The Word "Qualifications" In Section 13307 Includes A Candidate's Views on Public Issues

The Case is Not Moot

We may summarily dispense with a mootness contention made by Hammond based on the fact the election has already taken place.⁶ The matter is obviously, as it was in *Clark v. Burleigh*, *supra*, 4 Cal.4th 474, an example of the rule that cases are not moot when they present questions capable of repetition yet evading review. (Cf. *Clark*, *supra*, 4 Cal.4th at p. 481 [rejecting mootness argument because matter was of "general public interest and likely to recur"].) Hammond's argument in favor of mootness is that there is no public interest in the case because the statute "plainly" excludes a candidate's viewpoints. That reasoning is both circular and wrong in its premise. It is circular because it is predicated on the assumption that Hammond is necessarily correct on the merits (as we show below, he isn't), and it is wrong in its premise because it assumes that the question of whether a candidate's views may be included in a candidate's statement has already been definitively determined (as we show below, it hasn't).

Prior Cases Did Not Decide the Issue

While *Clark v. Burleigh*, *supra*, 4 Cal.4th 474 tells us what "qualifications" does not include -- it does not include attacking one's opponents -- the case does not directly deal with the question of what *is* a qualification within the meaning of the statute. *Clark* involved a candidate's statement in a judicial election in which a municipal court judge running for superior court made direct negative references, by name, to the incumbent. The trial court excised the statement. Most of the *Clark* opinion is devoted to a thorough discussion of the *constitutionality* of the removal; the focus is the question of exactly what kind of "forum," for purposes of *constitutional* analysis, a candidate's statements is. (See *Clark*, *supra*, 4 Cal.4th at pp. 482-488.) Only in passing on that issue does it deal with the meaning of the statute.

What the high court did say about the meaning of the statute is mostly set forth in one paragraph spanning pages 488 to 489 in the official reporter. After previously concluding that candidates' statements fall into the last of three possible categories (i.e., not the "traditional public forum" or a "designated public forum," but a "remaining" catch-all category (see *id.* at pp. 482-483)), the opinion tackles the question of "whether the Legislature, by creating the statutory 'candidate's statement,' intentionally opened a public forum that candidates for local judicial office may use for the purpose of attacking their opponents." (*Id.* at p. 488.) Answer: no. Because the statute "specifically lists the permissible contents" of the candidate's statement, the "negative implication of this specific list," said the *Clark* court, was that "the Legislature did not intend the statutory candidate's statement to contain any other material." It cited the venerable rule of linguistic construction, *expressio unius est exclusio alterius* -- i.e., having expressed the one thing, you must have meant to exclude what you left out. Then the court added that "[m]ore important" than this "implication" from linguistics was the "express" prohibition in another statute against candidates for *judicial* office from discussing "another candidate's qualifications, character, or activities." (See *id.* at p. 489, citing former Elections Code section 10012.1 (now Elections Code section 13308).)

The other part of the *Clark* opinion where the court touches on the meaning of the statute is toward the end, where the court is concerned with the reasonableness of the statute construed so as to preclude attacks on one's opponents. (See *id.* at pp. 493-494.) Pointing out that local elections are "normally low-profile events" and candidates frequently do not have the "means" of informing the voters of their qualifications, the *Clark* court observed that the Legislature "created" the candidate's statement "[t]o help fill this informational void." (*Id.* at p. 493.) "From its terms and conditions," said the court, "we may reasonably infer that its primary purpose is to give the voters at least a minimal amount -- 200 words' worth -- of basic information about the background and qualifications of little-known candidates." (*Ibid.*) The court then went on to explain that, in light of the basic purpose of the statute (i.e., filling informational voids), there were three reasons the Legislature would not have wanted the statement to be used "as a partisan campaign device to attack" opponents. One, to prevent *confusion* caused by a "mixed" message; two, to prevent *displacement* of factual information about the candidate himself or herself given the limited amount of space available (200 words normally, at most 400 words); and three, to prevent *misuse* of the device by blindsiding an opponent who would not have time to answer the attack. (*Ibid.*)

Finally, on the next page and in the context of again explaining the constitutional adequacy of the statute as construed, the *Clark* court suggested that even "attacks on opposing candidates" are not necessarily "wholly incompatible with the purposes of the statutory candidate's statement," but that the restriction was "at least reasonable" and the "governing decisions" of the federal Supreme Court required "no more" of the statute. (*Id.* at p. 494.)

I've taught legislation and public policy at the UCLA School of Law and the UCI School of Management. I've also authored a book about the need to control cancer-causing substances in the workplace and the environment. I've lived in Irvine with my family for over 20 years.

"I'll do what it takes to defend and enforce Irvine's General Plan. That's why I'm asking for your vote. I'd be privileged to serve you again."

⁶ Agran won a seat on the Irvine City Council.

Though the *Clark* court did not remark on the fact, the trial court in that case had not stricken a portion of the candidate's statement which dealt with only the candidate's views, as distinct from statements disparaging his opponent. It left in this statement: "It's time to get *tough with criminals* . . . time to end court *interference* in community affairs." (Compare *id.* at p. 481, fn. 7 [what was stricken] with p. 497 [original statement].) While the *Clark* court did not discuss the question of candidate views *per se* in its opinion, it is at least noteworthy that the inclusion of the candidate's views in what was left of the statement was not so offensive that the high court felt compelled to reach out and comment on it adversely.

This court, in *Dean v. Superior Court*, *supra*, 62 Cal.App.4th 638, took *Clark's* comments about attacking one's opponents and the statutory construction of the statute (i.e., the *expressio unius* language) and applied them to a *nonjudicial* race for county superintendent of schools. (See *Dean*, *supra*, 62 Cal.App.4th at pp. 641-642.) There we held that language attacking the incumbent should have been stricken as an "impermissible personal attack." (See *id.* at pp. 639, 641-642.) But that was *all* we held.

We did make a comment, in the introductory sentence to a paragraph in the opinion devoted to quoting the *expressio unius* passage from *Clark*, that "[t]he language of section 13307 is unambiguous," but that comment was in a *context* in which the issue was attacks on one's opponents, and we were taking our cue from what the Supreme Court had itself plainly said about the language of the statute in that precise context. *Dean* cannot be fairly read as saying that the word "qualifications" as used in Elections Code section 13307 unambiguously excludes candidate's viewpoints -- as we show in the next section, it doesn't do any such thing.⁷

One other case bears comment at this point, though it deals with an issue that was not before the court in either *Clark* or *Dean*: *Loza v. Panish* (1980) 102 Cal.App.3d 821. *Loza* was, until *Clark*, the only California decision dealing with the meaning of the candidate's statement statute. *Loza* held that a portion of the statute, requiring the clerk to reject certain kinds of scurrilous or inflammatory language,⁸ was unconstitutional. (See *Loza*, *supra*, 102 Cal.App.3d at p. 826.) While the statutory prohibition on certain kinds of scurrilous language dealt with in *Loza* was not at issue in *Clark*, the *Loza* opinion did discuss a significant -- and we think correct -- inference about the Legislature's intent about the construction of the word "qualifications," from the presence of the (now-unconstitutional) prohibition: namely, that "a candidate's statement may include information regarding his qualifications which goes beyond mere personal data respecting his name, age, occupation and education." (*Loza*, *supra*, 102 Cal.App.3d at p. 824, emphasis added.) We explain why that inference is correct below.

The Ordinary Meaning of the Word "Qualifications" Can Encompass a Person's Views

The word "qualifications" is not otherwise defined by the statute, and in the absence of specifically defined meaning, a court looks to the plain meaning of a word as understood by the ordinary person, which would typically be a dictionary definition. (See *Scott v. Continental Ins. Co.* (1996) 44 Cal.App.4th 24, 28-30 [and listing authorities using general dictionaries to ascertain "'ordinary' meaning of words used in a statute"].) The Oxford English Dictionary lists a number of definitions of the word "qualification," only one of which is the one which Hammond would have us restrict its meaning to, namely, an "accomplishment." (See 12 Oxford English Dict. (1989) at p. 971.) In connection with that which "qualifies or fits a person for some office or function," the dictionary lists both "quality," and "accomplishment" under the word (*ibid.*), indicating that something other than mere resume material can be a "qualification."

Thus it is not uncommon that, in the context of fitness for "office or function," there are occasions when the word necessarily encompasses viewpoints, ideas or ideology. One of the most common is in the context of the criminal law and the death penalty. In *People v. McPeters* (1992) 2 Cal.4th 1148, 1177, our Supreme Court wrote, "A juror is not *qualified* to serve in a capital case if his or her *views* about the death penalty would 'prevent or substantially impair the performance of his duties as a juror in accordance with his instructions and his oath.'" (Emphasis added.) Other criminal decisions have also said that a person is disqualified from serving on a jury if he or she belongs to member of an ideologically or politically -- to the degree the words do not overlap -- oriented organization, such as the "know-nothing party," if such membership might reify itself as a prejudice against a particular defendant. (See *People v. Buyle* (1937) 22 Cal.App.2d 143, 146 [and cases mentioned therein].)

Likewise, when loyalty oaths were an issue in public employment and benefits law, the Supreme Court regularly confronted the question of whether a given loyalty oath (to wit, that the person was willing or swear that he or she had not, nor had ever been, a Communist) had, in a certain context, "a direct bearing on the qualification necessary for the employment or other benefit under consideration." (See *Wilson v. City of Los Angeles* (1960) 54 Cal.2d 61, 64.) Thus the Supreme Court in 1960 could acknowledge that there were times when there was a relationship between the "political

⁷ The trial judge in *Dean* was the trial judge in the present case. In light of the fact that *Dean* resulted in a peremptory writ being issued when he didn't strike the challenged language, it is understandable that he might have been inclined to overread *Dean* so as not to make the same error again -- and indeed, comments from the bench during the hearing reveal as much. (The court said in colloquy with Hammond's counsel: "This is the difficulty of this whole doggone area and the reason why I ruled the way I did when I ruled in the *Dean* case. But we lost that battle, sir. That battle is over with.")

⁸ The language was: "The clerk shall reject any statement, which contains any obscene, vulgar, profane, scandalous, libelous or defamatory matter, or any language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward, or which tends to cast ridicule or shame upon any person or group of persons by reason of sex, race, color, religion or manner of worship, or any language or matter the circulation of which through the mails is prohibited by Congress." The language was deleted in 1983. (See Stats. 1983, ch. 882, § 1, pp. 3203-3204.)

affiliations and beliefs" of an applicant and "the qualification of the applicant."⁹ (*Ibid.*; see also *In re Anastaplo* (1961) 366 U.S. 82, 90 [stating "it is of no constitutional significance whether the State's interrogation of an applicant on matters relevant to these qualifications -- in this case Communist party membership -- is prompted by information which it already has about him from other sources, or arises merely from a good faith belief in the need for exploratory or testing questioning of the applicant"].) In that era both Chief Justice Traynor and Justice McComb found occasion in dissenting opinions to impliedly or directly acknowledge that there will be at least some occasions when *beliefs* constitute a "qualification." (See *Konigsberg v. State Bar* (1959) 52 Cal.2d 769, 776 (dis. opn. of Traynor, J.) ["a question as to present or past membership in [the Communist Party] is relevant to the issue of possible criminal advocacy and hence to the applicant's qualifications"]; *MacLeod v. Tribune Publishing Co.* (1959) 52 Cal.2d 536, 555 (dis. opn. of McComb, J.) ["the free press' foremost obligation is to advise the electorate of all the qualifications or disqualifications of each candidate for public office, which obviously includes his party affiliations, be they communist or otherwise"].)

Given the breadth of the word, it would be inconsistent with the plain meaning of the statute -- indeed, perhaps even somewhat elitist -- to confine the idea of "qualifications" for office to resume items like degrees and experience in a profession. No matter whether the candidate be a rabble-rouser on a soapbox who never finished high school, or the appellant in the case before us -- an honors graduate of Harvard Law School -- his or her *ideas* are often the most important "quality" in many voters' minds. One voter's "qualification" may be another voter's "disqualification." While most appellate and trial judges would, for example, consider a law degree to be a "qualification" for office, many voters might be decidedly disaffected by a candidate's law degree;¹⁰ then again, they might otherwise be persuaded by the candidate's opinion about whether to raise taxes to fund new educational programs. The filling of the "informational void" about candidates of which the *Clark* court wrote is better done with information about a candidate's ideas -- which, after all, provide at least some clue as to how he or she will act and vote while in office -- than with his or her resume.

The Legislature Impliedly Contemplated
That Qualifications Would Include More
Than Mere Resume Material

As originally enacted, the candidate's statement statute had a provision which required the clerk to strike scurrilous material which advocated or promoted hatred or hostility toward not only any given person, but toward any "group of persons by reason of sex, race, color, religion or manner of worship." (The language is quoted in full in footnote 8, above.) That language was declared unconstitutional in 1980 by the *Loza* decision, and by 1983 the Legislature removed it from the statute. One of the contentions in *Loza* was that the qualification language of the statute -- which was unaffected by the court's ruling -- "*confined*" (original emphasis) the candidate's statement to data "having solely to do with the candidate." (See *Loza, supra*, 102 Cal.App.3d at p. 824.) Accepting the "appellant's assertion there is no adequate legislative history associated with the statute in question which would itself provide the means for resolution of the parties' respective arguments on this point," the *Loza* court observed, in language we have also quoted above, that on the basis of "familiar" principles of statutory construction, the statement might indeed include information regarding a candidate's qualifications "which goes beyond mere personal data." (*Ibid.*)

It is inescapable that the Legislature, when it originally enacted the statute *with* a prohibition against attacks based on certain kinds of prejudice, was sufficiently worried that the candidate's statement was susceptible to such misuse that an express prohibition was needed against certain kinds of statements outside of mere resume material. But by the same token, the Legislature was also signaling that *other* kinds of statements also beyond mere resume material were contemplated under the statute. Of course, such statements would not extend to statements about one's opponent as distinct from one's own ideas or beliefs. As the *Clark* court intimated, you cannot claim as one of your own qualifications the fact your opponent is so bad.

⁹ Here is the relevant text of the court's discussion: "In instances in this state where court have sustained requirements that those seeking to obtain or seeking to retain public employment or other public benefits are required to subscribe to a so-called loyalty oath they have uniformly done so on the rationale that the state or municipality has a right to inquire into the applicant's qualifications, and that *loyalty has a direct bearing on the qualification necessary* for the employment or other benefit under consideration. [Citations.] But where there is no rational and substantial connection between the nature of the investigation into loyalty and the qualification of the applicant an inquiry which requires that he disclose his political affiliations and beliefs constitutes an unreasonable and capricious infringement on the freedoms protected by the Fourteenth and First Amendments of the federal Constitution and article I, section 9 of the California Constitution." (Emphasis added.)

¹⁰ Thomas Jefferson once lamented the fact that Congress was filled with lawyers. As he wrote in his autobiography, "If the present Congress errs in too much talking, how can it be otherwise, in a body to which the people send one hundred and fifty lawyers, whose trade it is to question everything, yield nothing, and talk by the hour?" (See *The Life and Selected Writings of Thomas Jefferson* (Random House, 1944) at p. 61.)

A Candidate's Views on the Issues
Does Not Constitute An "Attack" On An Opponent

Clark identified three grounds which made an exclusion of attacks on one's opponent reasonable in the context of a candidate's statement: prevention of confusion, displacement and misuse. None of these concerns, however, are implicated by a statement of candidate's own views at least where, as in the present case, the statement contains no direct criticism of another candidate.¹¹

First, one's views *qua* views, stated without reference to one's opponent are one's own; there is no possibility a voter will be confused.¹² Second, given the necessary brevity of the statement, the implication is that only the most important information should be given. It is untenable to argue that compatible opinions -- as distinct from resume items -- are not, in many voters' minds, the most important quality they look for in making an elective decision. For many voters, it is far more important to know whether you will raise taxes or increase regulations than it is to know what school you went to or what little league teams you coached. Third, there is no possibility of blindsiding an opponent, because a candidate is always in complete control of what his or her views are at any given time (though it is true that with some candidates it seems that their opinions vary by the hour).¹³

Hammond argues that Agran's original statements, by suggesting that "county officials" were in the process of pushing an unwanted airport on the residents of Irvine, somehow was an "attack" on those officials prohibited by *Clark*. The argument takes too restrictive a view of "views." Opposition to various general *institutional* figures and interests -- be they freemasons, "big business," the "power elite," "the international communist conspiracy," or "economic royalists" -- has always been a staple of American political life. It is one thing to say one is a stalwart anti-Communist, and that such a belief qualifies one for some office, quite another to allege that one's opponent is a secret colonel in the KGB. Being against slavery generally -- or even the plans of slave owners to expand the institution of slavery into new territories -- is not the same thing as trying to get elected on the fact that one's opponent once owned a slave. Fairly read, Agran's reference to the plans of county officials was not, in context, an attack on a political opponent, but a way of expressing his ideas about certain concrete land use proposals of extreme relevance to his potential constituents.

Hammond's additional argument that the portion of Agran's statement concerning his leadership of the city council in drafting the city's general plan was "misleading" is a makeweight: The remarks of the trial court show that it was concerned with the purview of the word "qualifications," not any factual inaccuracy in Agran's statement. In any event, the statement was not inaccurate. Because a general plan is a document where changes and amendments are, as Agran's counsel nicely phrases it, continually "integrated" into its text, the average reader would understand the words "general plan" to be the one currently in use, not a version from more than 20 years ago. And as for "leading" the city council, the fact is that Agran was the mayor of the city during much of his tenure on the city council. And if a mayor cannot be said to "lead" a city council, no one can.

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DISPOSITION

It was error for the trial judge to have stricken the challenged language from Larry Agran's candidate's statement. The order is reversed with directions to enter a new order declaring that the language should not have been stricken.

Finally, there is the matter of attorney fees for this appeal. Agran spends a large amount of his brief arguing for an award of attorney fees against Hammond (and only Hammond¹⁴) under the private attorney general statute (Code Civ. Proc., § 1021.5) in the event he prevailed (as he now has) on the merits of his appeal. For his part, Hammond has only offered token opposition to the attorney fee question in the event he lost (as he also now has) on the merits.

¹¹ Agran's statement that "[w]e must stand together to defeat the County's airport and jail expansion plan" straightforwardly sets forth his own views, and contains no comparison, even implied, of his opponents' views. A harder case, under *Clark*, would be a situation in which a candidate's statement of his or her views could not be read without an attack on an opponent -- e.g., "I am the only candidate in this election who opposes an airport at El Toro," or "I am the only candidate in this election who is opposed to Soviet expansionism; my opponents are all soft on Communism." Fortunately, in this case we need not map the exact perimeters, under *Clark*, of where an honest statement of one's views ends and an attack on one's opponent begins.

¹² Again, we do not tackle the somewhat harder case of statements of views used as a subterfuge for an attack on one's opponent.

¹³ Again, we limit our discussion to instances in which the statement of views does not refer to one's specific opponents. We are about to discuss comments about institutional interests.

¹⁴ At oral argument Agran's counsel disavowed any attempt to seek his fees from the Orange County Registrar, the City of Irvine, or otherwise from the fisc.

Whether attorney fees should ever be awarded for litigation arising out of challenges to candidates' statements is, however, a problematic matter indeed.¹⁵ No published decision of which we are aware has ever awarded attorney fees in such a context. And perhaps with good reason. The issue is fraught with grave implications beyond the narrow facts of this case, such as the interrelationship between any kind of public financing of elections and free speech.

Fortunately, the task is premature. The procedural posture of this case -- Hammond did, after all, *win* at the trial level -- virtually demands that the matter of whether Agran should be awarded any fees for this appeal (and if so, how much), be remanded to the trial court for consideration in the first instance. We have no record or briefing, for example, that even touches on how the "burden of private enforcement" (to borrow a phrase from section 1021.5 of the Code of Civil Procedure) will interact with the *statutory* right under Elections Code section 13313 (formerly Elections Code section 10013.5) to challenge candidates' statements. Nor do we have any record or briefing as to how the ability to challenge a candidate's statement under section 13313 in *combination* with the possibility of a fee award after the litigation is over might affect a candidate's First Amendment rights.

In short, given the extraordinarily complex and unbriefed questions inherent in Agran's request, the issue is not ripe. The matter is therefore remanded for further proceedings in light of this opinion.

SILLS, P. J.

WE CONCUR:

CROSBY, J.

BEDSWORTH, J.

¹⁵ Challenges to such statements are allowed by Elections Code section 13313, formerly Elections Code section 10013.5, for material that is "false, misleading, or inconsistent with the requirements" in the chapter of the Elections Code dealing with voter pamphlets.

INDEPENDENT CANDIDATES

(Elections Code Section 8300, et. seq.)

The California primary elections include a partisan primary election at which each of the qualified political parties (Democratic, Republican, American Independent, Green, Libertarian, Natural Law, and Peace & Freedom) nominate their party's candidate for the November general election. Thus, the party nominating process contains no provision for members of nonqualified parties or nonpartisan candidates to participate in the primary nomination process.

The Independent Nomination provisions of the California Elections Code provide a method for the nomination of nonpartisan candidates to partisan public offices. There is no limitation to the number of independent candidates who can be nominated and placed on the ballot at the **GENERAL ELECTION**, provided each meets the legal requirements.

QUALIFICATIONS	<p>To be an independent candidate at the General Election, the potential candidate <u>CANNOT</u>:</p> <ol style="list-style-type: none"> 1. Have filed as a partisan candidate at the Primary Election and have been defeated for the party's nomination at that Primary Election; and, 2. Have been registered to vote in California since October 4, 2007, as being affiliated with a qualified political party. <p>See Table of Contents for location of "Qualifications" for a specific office.</p>	
FILING FEE	Please see the next page for the fee for each office.	
NUMBER OF NOMINATING SIGNATURES	<p>Nomination papers for an office shall be signed by at least 1% or 3% (depending on the area) of the voters of the area as of October 18, 2004 (which was the close of registration for the preceding general election.) (E.C. Sec. 8400)</p> <p>Please see the next page for the number required in each district.</p>	
IMPORTANT DATES	<p>Date</p> <p>October 4, 2007</p> <p>April 25 to July 24</p> <p>July 25 to August 8</p> <p>June 9 to August 8</p> <p>Please refer to the Election Calendar for other dates.</p> <p>New Term Begins: (Varies by Office)</p>	<p>Event</p> <p>From this date through November 4, 2008, candidate cannot be registered to vote in California with a qualified political party. (Registration as a "Decline to State/Nonpartisan" is acceptable.)</p> <p>Petitions in Lieu of Filing Fee</p> <p>Supplemental Filing Period for Petitions in Lieu of Filing Fee</p> <p>Declaration of Candidacy and Nomination Papers</p> <p>Length of Term: (Varies by Office)</p>

INDEPENDENT CANDIDATES (Continued)

Number of Signatures Required to Place a Candidate on General Election Ballot on November 4, 2008.

(Based on 3% of the total district registration from the last Report of Registration
prior to the November 2006 General Election)

DISTRICT	VOTER REGISTRATION (as of Oct. 2006)	REQUIRED SIGNATURES	FILING FEE
CONGRESS			
49 th District	294,963	8,849	\$1,652.00
50 th District	362,826	10,885	
51 st District	262,998	7,890	
52 nd District	341,760	10,253	
53 rd District	295,833	8,875	
STATE SENATE			\$1,162.08
39 th District	441,415	13,243	
STATE ASSEMBLY			\$1,162.08
66 th District	206,241	6,188	
73 rd District	219,636	6,590	
74 th District	224,310	6,730	
75 th District	239,492	7,185	
76 th District	228,584	6,858	
77 th District	216,952	6,509	
78 th District	212,687	6,381	
79 th District	143,352	4,301	

WRITE-IN CANDIDATES

(Elections Code Section 8600, et. seq.)

Candidates may be nominated or elected to any office at the primary election by fulfilling the requirements of the California Elections Code, commencing at Section 8600.

Please see the next page for the minimum number of votes required to obtain the write-in nomination to appear on the ballot in November.

FILING REQUIREMENTS	<p>Every person who desires to be a write-in candidate and have his/her name counted for a particular office shall file:</p> <ol style="list-style-type: none"> 1. A statement of write-in candidacy which contains the following: <ul style="list-style-type: none"> ◆ Candidate's name ◆ Residence Address ◆ Declaration stating he/she is a write-in candidate ◆ Title of office sought ◆ Election date ◆ Party nomination sought (if for a partisan primary election) (E.C. Sec. 8600) <p>In addition, candidates for San Diego Unified School District must also include:</p> <ul style="list-style-type: none"> ◆ Date and place of birth ◆ Occupation ◆ Past residences for a period of four years 2. A signed Oath or Affirmation of Allegiance (E.C. Sec. 200; Cal. Constitution Art. XX, Sec. 3) 3. The requisite number of signatures on the nomination papers for that office, and a circulator's affidavit. Signers and circulators must meet the same qualifications as for regular nomination papers. (E.C. Sec. 8602, 8603)
HOW ELECTED	<p>In order to be elected to any nonpartisan office, the write-in candidate must receive over 50% of the ballots cast for that office. If no candidate receives over 50%, the top two candidates will run off in the General Election. Candidates for San Diego Unified and San Diego Community College Districts cannot win in the Primary Election. The top two candidates must face each other in a districtwide General Election.</p> <p>In order to be nominated to any partisan office, the write-in candidate must receive more votes than any other candidate running for that party's nomination, and must also receive votes equal to at least 1% of all votes cast for that office at the last preceding general election at which the office was filled. (E.C. Sec. 8605a)</p> <p>The minimum number of votes required to obtain the write-in nomination is set forth on the following page.</p>
FILING FEE	<p>No fee or charge shall be required of a write-in candidate . . . (E.C. Sec. 8604)</p> <p>Exception: Candidates for San Diego Unified School District must pay the required filing fee and/or submit signatures in lieu of filing fee. (San Diego Municipal Code Sec. 27.0321, 27.0322)</p>
FILING PERIOD	<p>April 7 to May 20</p> <p>The statement and nomination papers shall be available on the 57th day prior to the election and shall be filed with the Registrar of Voters not later than the 14th day prior to the election. (E.C. Sec. 8601)</p>

WRITE-IN CANDIDATES (Continued)

Minimum Number of Votes Required to obtain the Write-in Nomination.
(Based on Votes Cast for the Office at the last preceding General Election.)

DISTRICT	VOTES CAST AT LAST GENERAL ELECTION	WRITE-IN VOTES REQUIRED FOR NOMINATION (1% of votes cast at preceding General Election)
CONGRESS		
49 th District	156,137	1,562
50 th District	222,102	2,222
51 st District	115,839	1,159
52 nd District	191,369	1,914
53 rd District	144,387	1,444
STATE SENATE		
39 th District	334,706	3,348
STATE ASSEMBLY		
66 th District	101,663	1,017
73 rd District	103,012	1,031
74 th District	125,727	1,258
75 th District	134,658	1,347
76 th District	114,797	1,148
77 th District	114,649	1,147
78 th District	102,153	1,022
79 th District	62,832	629

CAMPAIGN SERVICES SEMINAR

This meeting's purpose is to describe and discuss services that are provided by the Registrar of Voters Office.

WHEN	Thursday, March 20, 2008 10 a.m. <u>OR</u> 6 p.m. (approximately 2 hours each)
WHERE	Registrar of Voters Office 5201 Ruffin Road, Suite I San Diego
WHO IS INVITED	<ul style="list-style-type: none"> ◆ A candidate ◆ A campaign manager or consultant ◆ An election service vendor ◆ An elected official ◆ Anyone interested in what's available at the Registrar of Voters
RSVP	Feel free to invite others who may be interested. So we can plan for materials and seating, please RSVP by calling the Campaign Services Section at (858) 694-3406 to give your name, the number attending, and which session (morning or evening).

TOPICS TO BE COVERED

SERVICES AVAILABLE	<ul style="list-style-type: none"> ◆ CD ROM ◆ Computer Terminal Access ◆ Hard Copy Reports ◆ Labels ◆ Research Assistance ◆ Maps
COOPERATION	<ul style="list-style-type: none"> ◆ Voter Registration ◆ Absentee/Mail Ballot Voting ◆ Polls & Officers
VOTING PROCEDURES	<ul style="list-style-type: none"> ◆ Voting System ◆ "Crossover" voting ◆ Random Draw ◆ Ballot Rotation
BALLOT TABULATION	<ul style="list-style-type: none"> ◆ Results Availability ◆ Where/When/How Ballots Processed ◆ Observers
There will also be time for questions and answers.	

MAIL BALLOT VOTING

Candidates or campaigns planning to distribute mail ballot applications are advised, before implementation, to review the "Absentee/Mail Ballot Guidelines" prepared by the Secretary of State. **Critical points include:**

1. Approval of application format by Registrar of Voters, prior to printing.
2. Applications received from voters by campaigns must be returned to the Registrar of Voters within 72 hours.

A complete copy of the "Absentee/Mail Ballot Guidelines," which includes the application format, is available from the Registrar of Voters Office, and is provided at the Campaign Services Seminar.

Voting by mail is available to any registered voter. Obtaining a ballot at the Registrar of Voters Office or requesting a ballot through the mail before the election can be a convenient way to cast one's vote.

APPLICATION

HOW TO OBTAIN A MAIL BALLOT	<ul style="list-style-type: none"> ◆ Use application on back cover of sample ballot, OR ◆ Write a brief note or complete an application. ◆ Phone requests NOT taken due to required signature.
CONTENTS OF APPLICATION	<ul style="list-style-type: none"> ◆ Voter's printed name ◆ Residence address (not a PO Box) ◆ Address where ballot should be mailed ◆ Telephone number (optional) ◆ Birth date (optional) ◆ Voter's written signature
MAIL APPLICATION TO	REGISTRAR OF VOTERS P.O. Box 85520 San Diego, CA 92186-5520

SCHEDULE

May 5	Vote by Mail ballots are available by mail or in person from the Registrar of Voters. (Requests received prior to May 5, 2008 will be held and processed beginning this date.)
May 27	Vote by Mail ballot requests by mail must be <u>received</u> no later than 5 p.m. on this date.
May 28 to June 3	Late Mail Voting – If during the final six days prior to the election a voter becomes ill or disabled for any reason, or finds they will be away from the polls on Election Day, the voter may vote at the Registrar of Voters in person, or request in a written statement, signed under penalty of perjury, that a ballot be provided for the voter.
June 3	Voted ballots must be <u>received</u> at the Registrar of Voters Office, or at any polling place in San Diego County, no later than 8 p.m. on Election Day.

For further information on Mail Voting, please call (858) 565-5800.

REGISTRATION, MAPS AND ELECTION DATA

Listed below is a brief description of some of the services and materials available from the Registrar of Voters Office. Many of the items are to be used for specified purposes only, including political campaigns.

VOTER INDEX (aka: Walking Lists, Precinct Lists, etc.)	<p>Lists of voters are available for purchase. The purchaser will be required to:</p> <ol style="list-style-type: none"> 1. Show a picture identification card 2. Sign a form which states <ul style="list-style-type: none"> ◆ the specific purpose for which the list will be used, and that ◆ the list won't be used for unauthorized purposes 3. Pay in advance <p>Lists are available in various sorts:</p> <ul style="list-style-type: none"> ◆ <u>Current</u> registered voters ◆ Voters who have <u>voted</u> in specific election(s) ◆ <u>Date range</u> of voters (those who registered between two specified dates) ◆ Separated by <u>jurisdiction</u> or <u>party affiliation</u> <p>Additional sorts may be available, please ask for details.</p> <p>These lists show the voter's name, address, party affiliation, precinct number and telephone number (if provided by voter). The lists can be in "alpha" order or "address" order.</p>
DISTRICT MAPS	<p>Maps of the political districts are on file in the Precinct Planning Section and may be reviewed during regular office hours. The following maps are available for purchase from the Registrar of Voters:</p> <ol style="list-style-type: none"> 1. Precinct Maps (400' scale) - These maps depict precinct and major political boundaries. 2. District Maps - <u>City</u> of San Diego (3000' scale) and <u>County</u> of San Diego (2 mile scale) with individual overlays of Congress, State Senate, State Assembly and Supervisor boundaries. 3. Boundary Maps (8½ x 11) of Congress, State Senate, State Assembly and Supervisor Districts with minimal detail. 4. Precinct Wall Maps (2000') scale. <p>To obtain any of these maps, please call (858) 565-5800.</p>
VOTER FILE AND OTHER COMPUTER REPORTS	<p>Various CD ROMs and hard-copy reports are available which list voters, streets, precincts, consolidations, polling places, registration figures, and election results. (Please contact the Registrar of Voters Office at (858) 694-3406 for details.)</p>
MAILING LABELS	<p>Self-adhesive labels are available from the Registrar of Voters. Labels can be produced for any election, with an option to select district, precinct or party. (Please ask for details.)</p>
<p style="text-align: center;">FOR FURTHER INFORMATION, PLEASE CALL (858) 694-3406.</p>	

CANDIDATE/TREASURER SEMINAR CAMPAIGN DISCLOSURE WORKSHOP

Presented by the

Fair Political Practices Commission

- Review of campaign forms tailored to candidates in the June election.
- Mass mailing rules
- Campaign laws and restrictions

Thursday, March 27, 2008

7 to 9 p.m.

Registrar of Voters Office
5201 Ruffin Road, Suite I, San Diego (Kearny Mesa)

For more information, or if you would like to attend,
please call the Commission's Technical Assistance Division at
(916) 322-5660

**Reservations are required
to ensure seating space and materials for all participants.**

FINANCIAL AND CAMPAIGN DISCLOSURE INFORMATION

(For Campaign Disclosure Filing Schedule, See Page 9)

The following information is meant to help candidates, officeholders, and political committees comply with federal, state, and local political finance laws. Read it carefully and use the resources prescribed before you begin any financial activity that might be considered political in nature.

Failure to file appropriate statements and reports in compliance with the election laws described below can result in substantial criminal, civil, and administrative penalties. Failure to file within the prescribed deadlines can lead to late filing penalties for each day the statement is late.

<p>STATE REQUIREMENTS</p>	<p>The Political Reform Act (Title 9 of the Government Code) was adopted by voter initiative in 1974 and has been periodically amended by state legislation and through ballot initiatives. The Act, in part, provides that:</p> <ul style="list-style-type: none"> ◆ Receipts and expenditures in election campaigns should be fully and truthfully disclosed in order that the voters may be fully informed and improper practices may be inhibited (<i>Gov. Code Sec. 81002a</i>) ◆ Assets and income of public officials which may be materially affected by their official actions should be disclosed ◆ In appropriate circumstances the officials should be disqualified from acting in order that conflicts of interest may be avoided (<i>Gov. Code Sec. 81002c</i>) <p>The Political Reform Act is administered by the Fair Political Practices Commission (FPPC) which provides the Registrar of Voters with information manuals, instruction sheets, and disclosure forms that must be used in order for candidates, officeholders, and committees to comply with the Act.</p> <p>The Registrar of Voters provides these items in financial information packets available to all candidates, officeholders, and committees that might have filing obligations with the Registrar of Voters. Please obtain and refer to those packets for information and guidelines regarding financial disclosure requirements of the Act.</p> <p>Note: Some disclosure requirements must be met prior to the solicitation or receipt of any contribution or loan, and prior to use of any of the candidate's personal funds in support of their campaign. Please examine materials provided carefully so that compliance with the law is made.</p>
<p>LOCAL REQUIREMENTS</p>	<p>Local jurisdictions may adopt local ordinances that impose requirements on officeholders, candidates, and committees active only in their jurisdictions. Local jurisdictions may also impose contribution limitations in elections within their jurisdictions. These requirements and limitations are in addition to state requirements. A local campaign ordinance, however, never preempts state law.</p> <p>All city, county and state officeholders, candidates and committees must report contributions and expenditures on the FPPC's forms and comply with disclosure requirements/filing deadlines set forth in the Political Reform Act.</p> <p>Candidates for COUNTY OFFICES should refer to the San Diego County Election Campaign Finance and Control Ordinance for campaign finance requirements, including contribution limitations that are in addition to the requirements of the Political Reform Act. (The ordinance is available at the Registrar of Voters Office and is included in the financial information packets available to candidates for County Offices.)</p> <p>The following candidates and committees may also be subject to additional disclosure requirements or contribution limitations under local jurisdiction campaign ordinances:</p> <ul style="list-style-type: none"> ◆ Any local officeholders and candidates ◆ Committees primarily formed to support or oppose local candidates or local ballot measures ◆ City and county general purpose recipient committees ◆ City and county major donor and independent expenditure committees

FINANCIAL AND CAMPAIGN DISCLOSURE INFORMATION

(Continued)

FEDERAL REQUIREMENTS	<p>The Federal Election Campaign Act (2 U.S.C.. Section 441b) prohibits contributions from foreign nationals, national banks, or national corporations in connection with any local, state, or federal election for political office.</p> <p>Provisions of the Political Reform Act (described under "STATE REQUIREMENTS") DO NOT apply to elections for federal office, including the Office of the President and Vice President, nor seats in the House of Representatives or U.S. Senate. Candidates for federal office and committees that participate in federal campaigns are subject to federal disclosure requirements.</p> <p>Assistance for federal candidates and committees may be obtained from the Federal Election Commission at the address and telephone number shown below.</p>	
IMPORTANT ADDRESSES, AND TELEPHONE NUMBERS	<p>SAN DIEGO COUNTY Registrar of Voters</p> <p>Financial Disclosure 5201 Ruffin Rd, Suite I San Diego CA 92123 Phone: (858) 694-3407 Fax: (858) 694-2955</p> <p>Internet: www.sdvote.com</p> <ul style="list-style-type: none"> • Local Committees and Candidates • Forms and Manuals • Filing Schedules • Review and Copy Filed Reports 	<p>SECRETARY OF STATE Political Reform Division</p> <p>PO Box 1467 (95812-1467) 1500 11th Street, Room 495 Sacramento CA 95814 Phone: (916) 653-6224 Fax: (916) 653-5045</p> <p>Internet: www.ss.ca.gov</p> <ul style="list-style-type: none"> • Committee Identification Numbers • Termination of Committees
	<p>FEDERAL ELECTION COMMISSION 999 E Street NW Washington DC 20463 Phone: (800) 424-9530</p> <p>Internet: www.fec.gov</p> <ul style="list-style-type: none"> • Federal Campaign Disclosure • Contributions from National Banks, National Corporations and Foreign Nationals 	<p>FAIR POLITICAL PRACTICES COMMISSION PO Box 807 (95812-0807) 428 J Street, Suite 620 Sacramento CA 95814 Phone: (866) 275-3772 (Toll Free) Fax: (916) 322-0886</p> <p>Internet: www.fppc.ca.gov</p> <ul style="list-style-type: none"> • Campaign Disclosure • State Contribution Limits • Conflict of Interest Disclosure • Lobbying Disclosure • Conflict of Interests Disqualification • Proper Use of Campaign Funds <p style="text-align: center;">To Report a Violation (800) 561-1861</p>
	<p>STATE FRANCHISE TAX BOARD (800) 338-0505</p> <p>Internet: www.ftb.ca.gov</p> <ul style="list-style-type: none"> • Committee Tax Status • Tax Deductible Contributions • Charitable Non-Profit Groups • Any Other Tax-Related Questions 	
	<p>INTERNAL REVENUE SERVICE (800) 829-1040</p> <p>Internet: www.irs.ustreas.gov</p> <ul style="list-style-type: none"> • Federal Taxpayer I.D. Numbers • Any Other Tax Related Questions 	

For information on campaign disclosure requirements, please contact:

David Morton, Filing Officer
Registrar of Voters
County of San Diego
(858) 694-3407

OR

Fair Political Practices Commission
(866) 275-3772
(Toll Free)

FINANCIAL AND CAMPAIGN DISCLOSURE INFORMATION

(Continued)

Campaign Statement Filing Requirements	<p>The Political Reform Act of 1974 requires all candidates for state and local elective office, all state and local elected officeholders, proponents of state ballot measures who control a ballot measure committee, and committees supporting or opposing state and local candidates, all measures, and petition circulation drives to file campaign disclosure statements disclosing contributions received and expenditures made.</p> <p>Candidates who anticipate receiving less than \$1,000 during the entire calendar year, exclusive of the costs of the filing fee and/or Statement of Qualifications if paid from personal funds, may reduce their filing obligation by filing a Form 470 (Officeholder and Candidate-Short Form). No further campaign statements need be filed for this election unless the \$1,000 threshold is reached (Gov. Code Sec. 84206)</p> <p>If, after filing a Form 470, the candidate's or officeholder's total contributions or total expenditures for the calendar year reach \$1,000, a Form 460 (Recipient Committee Statement <i>Long Form</i>) must be filed for the next reporting period.</p>
Termination of Filing Requirements	<p>Candidates, officeholders and committees DO NOT automatically terminate their filing requirements when activity ceases or when an officeholder vacates the office. An individual who qualifies as a candidate maintains that status until any potential campaign activity, which may be required to be disclosed, ceases and a Form 460 is filed along with a Form 410 (Statement of Organization).</p>
Campaign Expenditures From a Candidate's Personal Funds	<p>All money intended for use in the campaign, including personal funds, must be deposited in a campaign account. All campaign expenditures for the specific office must be made from the specified bank account. The funds in the account may not be used in connection with any other office sought.</p>
Statements are Public Record	<p>All statements filed are a matter of public record. They may be inspected at the Registrar of Voters office by anyone, and copies can be purchased at ten cents (.10) per page.</p>
Audits	<p>For certain offices, the law provides for investigations and audits of campaign statements. Candidates and committee treasurers should keep complete records and be prepared to submit supporting documents if such are requested</p>
Late Fees/ Fines/ Penalties	<p>Filing after a deadline may lead to late filing penalties of \$10 for each day the statement is late. Committees that fail to file are subject to administrative penalties of up to \$5,000 per violation. Statements must be hand delivered or postmarked as first-class mail by the due date. Certified mail is recommended but not a requirement. (Gov. Code Sec. 81007 & 91013)</p> <p>Violations of the campaign disclosure law may result in criminal prosecution by the State Attorney General or the County District Attorney or civil action by the Fair Political Practices Commission, the District Attorney, or a private citizen. (Gov. Code Section 91000 et seq.)</p> <p>It is the responsibility of candidates and/or committees to be aware of and to file the required campaign disclosure statements in a correct and timely manner. As a courtesy, the San Diego County Registrar of Voters mails reminder notices to candidates who, based on nomination documents, appear to have a campaign disclosure filing requirement. This notice is mailed approximately one week prior to a campaign disclosure filing deadline.</p> <p>If a candidate and/or committee with a campaign disclosure filing obligation fails to file in a timely manner, the non-receipt of a reminder notice MAY NOT be utilized (or rationalized) as the reason for late or non-filing.</p> <p style="text-align: center;">Filing is the responsibility of the candidate and/or committee!</p>
Late Contribution and/or Late Independent Expenditure Reports	<p>Each candidate or committee that makes or receives a late contribution (including a loan) of \$1,000 or more or makes a late independent expenditure of \$1,000 or more between October 22, and Election Day shall report it WITHIN 24 HOURS by fax or guaranteed overnight mail through the U.S. Postal Service or personal delivery. (Gov. Code Sec. 84203b)</p>
Campaign Funds	<p>All contributions must be segregated and shall not be commingled with personal funds of the recipient or any other person. (Gov. Code Sec. 84307)</p>
Contributions/ Expenditures	<p>No monetary contribution of \$100 or more shall be received in cash. No expenditure of \$100 or more shall be made in cash. (Gov. Code Sec. 84300a, b)</p>

FINANCIAL AND CAMPAIGN DISCLOSURE INFORMATION

(Continued)

“Candidate”	<p>“Candidate” refers to an individual who is listed on the ballot or has qualified to have write-in votes counted on his/her behalf for nomination or for election to any elective office, or who receives a contribution or makes an expenditure or gives his/her consent for any other person to receive a contribution or make an expenditure with a view to bringing about his/her nomination or election to any elective office, whether or not the specific elective office for which he/she will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he/she has announced his/her candidacy or filed a declaration of candidacy at such time.</p> <p>An individual who becomes a candidate shall retain his/her status as a candidate until such time as that status is terminated. (Gov. Code Sec. 82007 & 84214)</p>
“Committee”	<p>“Committee” refers to any person or combination of persons who directly or indirectly :</p> <ol style="list-style-type: none"> 1. Receives contributions totaling \$1,000 or more in a calendar year; 2. Makes independent expenditures totaling \$1,000 or more in a calendar year; or 3. Makes contributions totaling \$10,000 or more in a calendar year to or at the behest of candidates or committees. <p>The term “contribution” includes monetary payments, loans and non-monetary goods or services. A person or combination of persons that becomes a committee shall retain its status as a committee until such time as that status is terminated. (Gov. Code Sec. 82013)</p> <p>A committee receiving \$1,000 or more must file a Form 410 (Statement of Organization) within ten days of receipt.</p>
“Controlled Committee”	<p>“Controlled Committee” refers to a committee that is controlled directly or indirectly by a candidate or state measure proponent or which acts jointly with a candidate, controlled committee, or state measure proponent in connection with the making of expenditures. A candidate or state measure proponent controls a committee if he/she, his/her agent or any other committee he/she controls has a significant influence on the actions or decisions of the committee. (Gov. Code Sec. 82016)</p>

COMMON FILING REQUIREMENTS

Candidates and committee treasurers are encouraged to become familiar with all of the disclosure requirements and FPPC forms. However, many local candidates and committees raise and spend money only in connection with a particular election and then terminate their filing obligations. These candidates and committees are likely to file only a few of the FPPC’s many campaign forms. A list of these forms is provided below.

Candidates who spend less than \$1,000

- Form 501 – Candidate Intention Statement
- Form 470 – Officeholder/Candidate Campaign Statement-Short Form

Candidates who spend more than \$1,000

- Form 501 – Candidate Intention Statement
- Form 410 – Statement of Organization (also used for “Termination”)
- Form 460 – Recipient Committee Campaign Statement
- Form 497 – Late Contribution Report

Controlled Committees for local candidates

- Form 410 – Statement of Organization (also used for “Termination”)
- Form 460 – Recipient Committee Campaign Statement
- Form 465 – Supplemental Independent Expenditure Report
- Form 496 – Late Independent Expenditure Report (used for “24-hour reporting”)
- Form 497 – Late Contribution Report

FINANCIAL AND CAMPAIGN DISCLOSURE INFORMATION

(Continued)

FORM 410	<u>Statement of Organization/Termination</u> For use in organizing a committee, amending a Form 410, or termination a committee.
FORM 460	<u>Recipient Committee Campaign Statement – Long Form</u> For use by recipient committees which receive a cumulative contribution of \$100 or more from a single source and/or officeholder not eligible to file a Form 470 or who is filing jointly with one or more controlled committees. A controlled committee is one which is controlled directly or indirectly by a candidate or which acts jointly with a candidate or controlled committee in connection with the making of expenditures.
FORM 465	<u>Supplemental Independent Expenditure Report</u> For use by an officeholder, candidate or committee which makes independent expenditures totaling \$1,000 or more in a calendar year to support or oppose a single candidate, a single ballot measure, or the qualification of a single measure.
FORM 470	<u>Officeholder and Candidate Campaign Statement – Short Form</u> For use if less than \$1,000 has been raised or spent by or on behalf of the candidate, and he/she anticipates raising or spending less than \$1,000 for his/her candidacy for the entire calendar year.
FORM 470 Supplement	<u>Officeholder and Candidate Campaign Statement – Supplement</u> For use only if the candidate filed a Form 470 stating they would raise or spend less than \$1,000 and then later exceeds the limit.
FORM 496	<u>24 Hour Independent Expenditure Report</u> For use by individuals or groups that make an “independent” expenditure with 16 days before the election. The (aggregated) expenditure must expressly advocate the election, nomination, or defeat of a clearly identified candidate, or the qualification, passage, or defeat of a clearly identified measure. Furthermore, this expenditure cannot be made to or at the behest of the affected candidate or committee. If it is, the expenditure is then an “In-Kind Contribution.”
FORM 497	<u>Late Contribution Report</u> For use by candidates or committees that receive within the 16 days before the election a contribution (including loans or any combination of monetary and non-monetary contributions) that totals \$1,000 or more from a single source.
FORM 501	<u>Candidate Intention Statement</u> For use by candidates prior to solicitation or receipt of any contributions, or expenditure of any personal funds used for the election.
FORM 700	<u>Statement of Economic Interests</u> For use to publicly disclose personal assets and income. “Candidates” in specified jurisdictions (see chart on Page 33) must file this form with their nomination papers. However, once elected ALL “officeholders” must file this report, whether or not it was required during the nomination period.
All the forms above may be downloaded from the Fair Political Practices Commission at: www.fppc.ca.gov	

Where to file campaign disclosure statements is shown on the next page.

WHERE TO FILE CAMPAIGN DISCLOSURE STATEMENTS

* This chart applies to local candidates **ONLY**; not federal or state offices.

Form Number	When to File:	Original Filed Here:	Other Copies Filed Here:
501	Before any money is raised or spent	San Diego County Registrar of Voters	N/A
410	Within 10 days of receiving \$1,000 in contributions	Secretary of State's Office Political Reform Division PO Box 1467 Sacramento, CA 95812-1467	San Diego County Registrar of Voters
Amended 410	Within 10 days of whenever changes on the original 410 need to be made		
460	According to the schedule on Page 9	San Diego County Registrar of Voters	N/A
470	On or before the due date for the First Pre-Election Report		Secretary of State Office Each opponent for same office
470 Supplement	Within 48 hours of receiving a contribution or making an expenditure of \$1,000 (This form is required only if the candidate filed a Form 470 stating they would raise or spend less than \$1,000 and then later exceeds the limit.)		
496	Within 24 hours of a \$1,000 independent expenditure being made		N/A
497	Within 24 hours of a \$1,000 contribution (from one source) being received		
700	Candidates – Must file no later than March 7 (if required for the office sought).		
700	Local Officeholders – Must file an annual statement no later than April 1.	Clerk of the Board of Supervisors	
<p>Filing procedures are different for Federal, Statewide, State Assembly, and State Senate candidates.</p> <ul style="list-style-type: none"> For filing requirements, candidates for "state" offices are encouraged to contact the Secretary of State's office and the Fair Political Practices Commission: www.ss.ca.gov or www.fppc.ca.gov For filing requirements, candidates for Federal offices should contact the Federal Elections Commission: www.fec.gov 			

Note: Unsigned forms are incomplete and not considered filed until they are signed.

MISCELLANEOUS INFORMATION

SAMPLE BALLOTS	Sample ballot pamphlets are mailed two to four weeks before the election to each registered voter eligible to vote in this election. Voters who register or re-register between 38 and 15 days before the election will receive sample ballots or other voting information including directions to the polls (if applicable).
CALIFORNIA BALLOT PAMPHLET (STATE PAMPHLET)	This pamphlet contains all of the state measures, accompanying text (analysis, arguments, rebuttals, etc.) and statements of qualifications for candidates seeking statewide office. The Secretary of State mails the pamphlet (one per household) during the month before the election to "early" registered voters. The Registrar of Voters mails the pamphlet to voters who register within 60 days of the election.
VOTER REGISTRATION DEADLINE	Monday, May 19 is the last day to register to vote in the June 6 Primary Election.
ELECTIONEERING AT THE REGISTRAR OF VOTERS OFFICE	Registrar of Voters Office is a polling place and the wearing or displaying of election campaign material is prohibited.
CANDIDATE'S POLLING PLACE	Registrar of Voter's policy does not allow candidates or family members to host a polling place or act as a poll worker in the candidate's jurisdiction.
CANDIDATE'S EMPLOYMENT	Registrar of Voter's policy does not allow candidates or family members to work as temporary employees for the Registrar of Voters Office during their candidacy.
ELECTION DAY ACTIVITIES	The polls will be open from 7 a.m. to 8 p.m. Campaigning is not allowed within 100 feet of the entrance to a polling place. This includes: circulating <u>any</u> petition, soliciting votes, exhibiting any campaign signs, or any other electioneering.
ELECTION NIGHT ACTIVITIES	<p>The polls are officially closed at 8 p.m. Election activity then changes from what was primarily voter participation at the polls to vote tabulation at the Registrar of Voters Office counting site. Certain check-in and processing procedures take place at the counting site; next, the voted ballots are tallied by computer and the cumulative election returns are available to candidates, the news media, and the public. Beginning at 8 p.m., the public is invited to watch this vote tabulating process from the "Public Viewing Areas."</p> <p>Absentee/mail ballot voting results will be reported first, at approximately 8:15 p.m. The next bulletin will be issued at approximately 9:30 p.m. and every 20 to 30 minutes thereafter.</p>
ELECTION RESULTS	<p>Election results will be available at "Election Central"/Golden Hall (202 C Street, downtown San Diego) on election night beginning at 8 p.m. until all precincts are reported and their ballots counted (approximately 1 a.m.). Election results will also be provided by phone or the Internet to anyone wishing to monitor the returns that night or the days after:</p> <p style="text-align: center;">Telephone: (858) 565-5800 Internet: www.sdvote.com</p> <p>Provisional and additional absentee/mail ballots will be counted during the four weeks following the election. Bulletins with these "add-on counts" will be available at the front counter of the Registrar of Voters Office. The results on the internet will also be updated after each "add-on count."</p> <p>The semi-official <u>precinct</u> breakdown will be available the day after the election at the Registrar of Voters Office for anyone who wishes to review the results.</p>
OFFICIAL CANVASS OF THE RETURNS	The Registrar of Voters shall conduct the official canvass of the returns. When completed (within 28 days following the election), a certified statement of the results will be submitted to the Secretary of State, the Board of Supervisors and affected jurisdictions.

POLITICAL ADVERTISEMENT REQUIREMENTS

(Elections Code Section 20008)

NEWSPAPER AD REQUIREMENTS	Any paid political advertisement which refers to an election or to any candidate for state or local elective office and which is contained in or distributed with a newspaper, shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of the advertisement or in 10-point roman type, whichever is larger, the words "Paid Political Advertisement." The words shall be set apart from any other printed matter.
DEFINITION	As used in this section "paid political advertisement" shall mean and shall be limited to, published statements paid for by advertisers for purposes of supporting or defeating any person who has filed for an elective state or local office.

MASS MAILING OF CAMPAIGN LITERATURE

REGISTRAR OF VOTERS DUTIES	A copy of Section 84305 of the Government Code (see below) shall be provided by the Registrar to each candidate or his or her agent at the time of filing the declaration of candidacy . . . (E.C. Sec. 16)
PUBLIC EXPENSE	No newsletter or other mass mailing shall be sent at public expense. (Gov. Code Sec. 89001)
DEFINITION	"Mass mailing" means over 200 substantially similar pieces of mail, but does not include a form letter or other mail which is sent in response to an unsolicited request, letter or other inquiry. (Gov. Code Sec. 82041.5)

CALIFORNIA GOVERNMENT CODE SECTION 84305

- (a) Except as provided in subdivision (b), no candidate or committee shall send a mass mailing unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail of the mailing in no less than 6-point type which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the organization's address is a matter of public record with the Secretary of State.
- (b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and city of the candidate or committee need only be shown on the outside of each piece of mail.
- (c) If the sender of a mass mailing is a controlled committee, the name of the person controlling the committee shall be included in addition to the information required by subdivision (a).

SIMULATED BALLOT REQUIREMENTS

(Elections Code Section 20009)

- a) Every simulated ballot or simulated sample ballot shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of the statement or words or in 10-point roman type, whichever is larger, in a printed or drawn box and set apart from any other printed matter, the following statement:

<p style="text-align: center;">NOTICE TO VOTERS (Required by Law)</p> <p>This is not an official ballot or an official sample ballot prepared by the county elections official or the Secretary of State. This is an unofficial, marked ballot prepared by <u>(insert name and address of person or organization responsible for preparation thereof)</u>.</p>
--

Nothing in this section shall be construed to require any such notice in any editorial or other statement appearing in a regularly published newspaper or magazine other than a paid political advertisement.

- b) No simulated ballot or simulated sample ballot referred to in subdivision (a) shall bear any official seal or the insignia of any public official entity, nor shall that seal or insignia appear upon the envelope in which it is mailed or otherwise delivered.
- c) The superior court, in any case brought before it by any registered voter, may issue a temporary or permanent restraining order or injunction against the publication, printing, circulation, posting, or distribution of any matter in violation of this section, and all cases of this nature shall be in a preferred position for purposes of trial and appeal, so as to assure the speedy disposition thereof.

STATE SIGN INFORMATION

STATE OF CALIFORNIA-BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

DIVISION OF TRAFFIC OPERATIONS
OUTDOOR ADVERTISING PROGRAM



Dear Candidate or Committee Member:

As a candidate or campaign worker for either office or a ballot measure, this reminder about State law governing campaign signs should be helpful to you.

Section 5405.3 of the State Outdoor Advertising Act exempts the placing of Temporary Political Signs from normal outdoor advertising display requirements.

A Temporary Political Sign meets the following criteria:

- A. Encourages a particular vote in a schedule election.
- B. Is placed not sooner than 90 days prior to the schedule election and is removed within 10 days after that election.
- C. Is no larger than 32 square feet.
- D. Has had a Statement of Responsibility filed with the Department certifying a person who will be responsible for removing the sign (Attached).

A completed Statement of Responsibility must be submitted to the appropriate District Office according to the county location of the Temporary Political Sign(s). (See attached map for address)

Temporary Political Signs shall not be placed within the right-of-way of any highway, or be visible within 660 feet from the edge of the right-of-way of a classified "Landscaped freeway".

State law directs the Department of Transportation to remove unauthorized Temporary Political Signs and bill the responsible party for their removal. We are calling these provisions to your attention to avoid possible embarrassment to you and your supporters. Please pass this information along to those assisting in your campaign.

If you have any questions, feel free to contact us at the appropriate Outdoor Advertising District Office (See attached map for contact numbers).

Enclosure

STATE SIGN INFORMATION (Continued)

STATE OF CALIFORNIA-BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

DIVISION OF TRAFFIC OPERATIONS
OUTDOOR ADVERTISING PROGRAM



STATEMENT OF RESPONSIBILITY FOR TEMPORARY POLITICAL SIGNS

Election Date: ____ June ____ November Other: _____

Candidate's Name: _____

Office sought or Proposition Number: _____

County where sign(s) will be placed: _____

Number of signs to be placed: _____

RESPONSIBLE PARTY'S:

Name: _____

Address: _____

Phone Number (Include Area Code): _____

The undersigned hereby accepts responsibility for the removal of Temporary Political Signs placed pursuant to Section 5405.3 of the Outdoor Advertising Act for the above candidate or proposition.

It is understood and agreed that any Temporary Political Signs placed sooner than ninety (90) days prior to the election and/or not removed within ten (10) days after the election, may be removed by the Department and the responsible party will be billed for any associated removal costs.

Signature of Responsible party

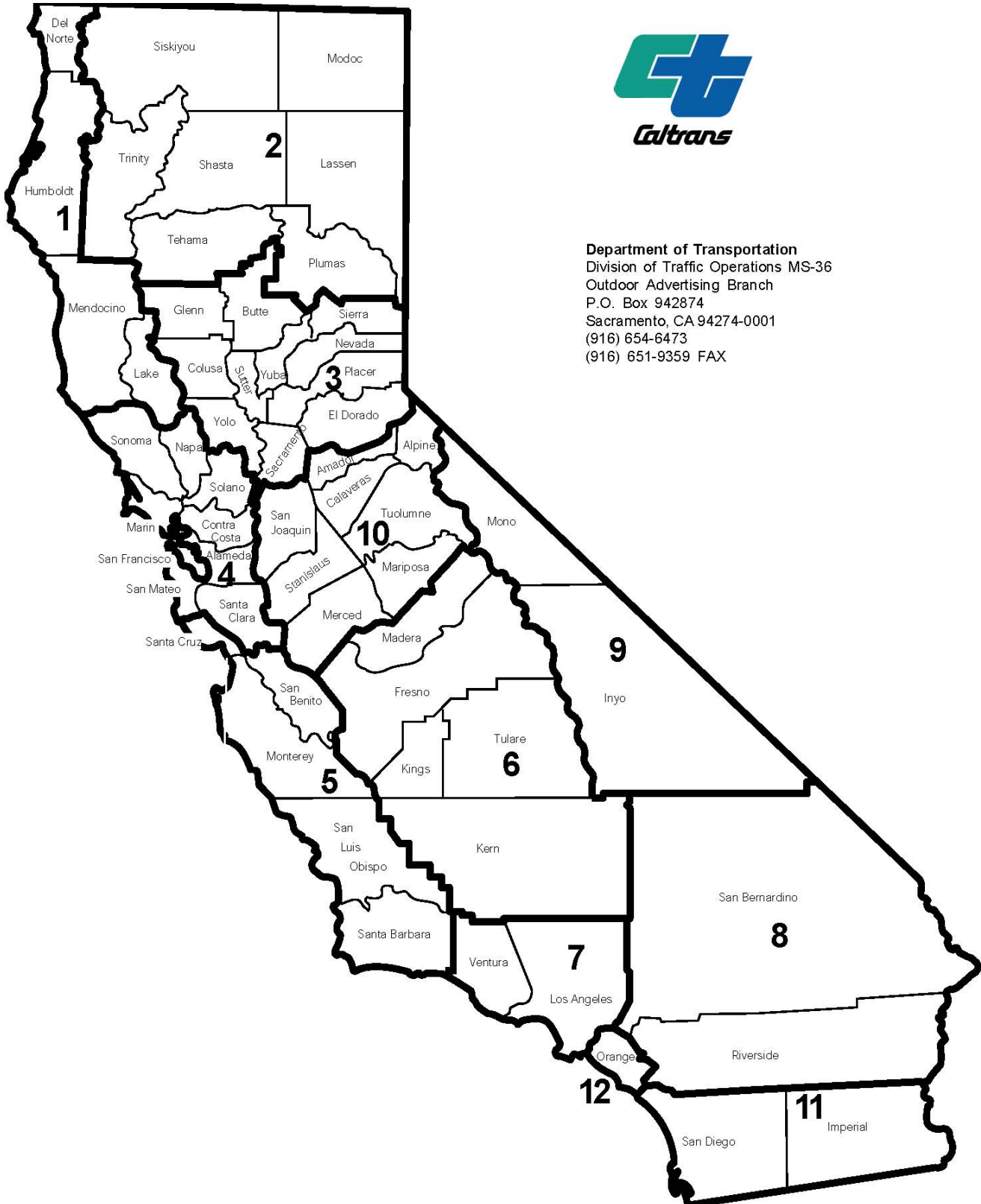
Date

Mail Statement of Responsibility to the Appropriate District Office according to the **COUNTY LOCATION** of the Temporary Political Sign(s) (See attached map).

STATE SIGN INFORMATION (Continued)



Department of Transportation
Division of Traffic Operations MS-36
Outdoor Advertising Branch
P.O. Box 942874
Sacramento, CA 94274-0001
(916) 654-6473
(916) 651-9359 FAX



COUNTY OF SAN DIEGO SIGN INFORMATION

COUNTY SIGN INFORMATION



COUNTY OF SAN DIEGO

DEPARTMENT OF PUBLIC WORKS

INTRADEPARTMENTAL CORRESPONDENCE

January 23, 2006

Dear Candidate:

The records of the Registrar of Voters indicate that you have filed for election to a public office in the County of San Diego.

In the course of your campaign, should you desire to utilize election posters as one of your means of communication with the electorate, it is necessary that you be aware of the conditions under which such signs may be placed within or adjacent to County unincorporated area road and street rights-of-way. Attached for your convenience and information is a copy of Policy J-5, "Regulations, Signs in County Road Rights-of-Way Other than Official Directional and Regulatory Signs," adopted by the Board of Supervisors, County of San Diego, and amended last on September?

You may apply for a temporary encroachment permit, which is a non-refundable \$90.00 fee, at the Department of Public Works, Land Development Counter, 5201-D Ruffin Road, San Diego, CA 92123 or call (858) 694-2055 for information. A sketch showing the number of posters and the approximate location of each should be submitted at the time the application is completed.

All signs placed in the County right-of-way contrary to the provisions of Policy J-5 or remaining after Election Day will be removed by the County of San Diego under the authority of Section 1460 of the California Streets and Highways Code. At the time a permit is applied for, the permittee shall agree to pay for the County cost of removal of any such signs.

Your cooperation in complying with the policy and maintaining clean and unlittered streets and highways will be appreciated.

Very truly yours,

John L. Snyder
Director

JS:sab

COUNTY OF SAN DIEGO SIGN INFORMATION (Continued)

APPLICATION TO ENCROACH UPON COUNTY HIGHWAY

GOVERNED BY CHAPTER 6, DIVISION 1
TITLE 7 OF SAN DIEGO COUNTY CODE

DATE _____

FOR COUNTY USE ONLY	
CHARGE TO	_____
DEPOSIT	_____
FEE	_____
TOTAL	_____
PERMIT #N	_____

COUNTY OF SAN DIEGO
DEPARTMENT OF PUBLIC WORKS
5201 RUFFIN ROAD, SUITE D, MS-Q336
SAN DIEGO, CA 92123-1666
PHONE: (858) 694-2055 • FAX: (858) 279-7020

THOMAS BROTHERS			
YEAR	PAGE	COORD.	

Owner/Permittee _____ Telephone () _____
Last name First

Mailing Address _____
Street City State Zip code

Location of encroachment _____
Street City

APN # _____

☐ Driveway ☐ Fencing ☐ Political Signs ☐ Scaffolding ☐ Storage ☐ Yard ☐ Other

Describe _____

Will encroachment interfere with the public use and maintenance of:

Travelled way? ☐ Yes ☐ No Side path or sidewalk? ☐ Yes ☐ No
Shoulder or parking lane? ☐ Yes ☐ No Drainage structure or watercourse? ☐ Yes ☐ No

Justification for Encroachment _____

Permit requested: ☐ 1 day ☐ 3 days ☐ 10 days ☐ Indefinite ☐ _____ days Effective date _____ 12:101 a.m.

AGREEMENT

In consideration of the granting of this permit, the applicant agrees:

1. To save harmless the County of San Diego and any officer or employee thereof from any liability or responsibility for any accident, loss or damage to persons or property, happening or occurring as the proximate result of any placement, change or renewal of an encroachment under the terms of this permit, and to assume all of said liabilities.
2. To comply with all applicable laws in the establishment, maintenance and removal of the encroachment.
3. That the permittee and any other person engaged in any work authorized by this permit shall conform to all due safety precautions for the protection of persons and property.
4. To remove or relocate any encroachment placed, changed or renewed under the authority of this permit; prior to its expiration or within 24 hours of notification to remove, if the duration is 10 days or less; or within 5 days of notification to remove, if the permit is of indefinite duration.
5. After removing or relocating the encroachment, to restore the highway to the equivalent or better condition than it was prior to the date this permit became effective, or prior to the date the encroachment was first placed, whichever is earlier.

I hereby agree to provide the indemnification as required by Chapter 2 of Division 6 of Title 8 of the San Diego County Code.
"I declare under penalty of perjury under the laws of the State of California that the statements made herein are true and correct."

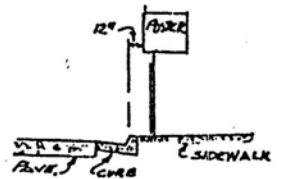
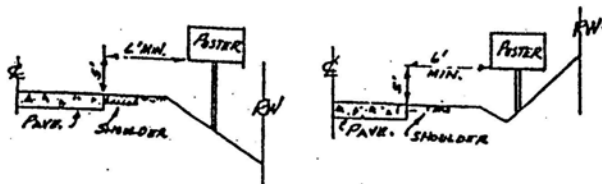
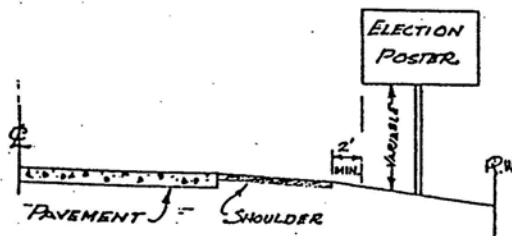
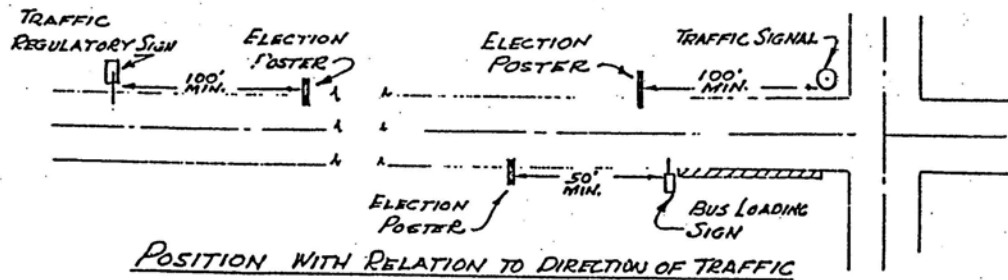
Signed _____
Owner's Signature Date

COUNTY OF SAN DIEGO SIGN INFORMATION (Continued)

COUNTY SIGN INFORMATION

INSTRUCTIONS TO PERMITTEE:

1. Election Posters placed within County Road and Street Rights of Way must be positioned in accordance with the sketches shown hereon.
2. Number of Posters and Location of Each Poster shall conform to information furnished at time of issuance of Permit.



COUNTY SIGN INFORMATION (Continued)

Policy J-5

Purpose

To establish regulations as to the design, construction, and erection of signs in County rights of way.

Background

The State of California Streets and Highways Code, Chapter 5.5, Division 2, provides the authority for the County Road Commissioner to control signs within the County's rights of way. This authority was granted to assist in roadside cleanup and litter removal programs. The County's Strategic Plan includes a Safe and Livable Communities Initiative. County control of signs in County road rights of way helps keep communities safe and livable by enhancing roadway safety and helping communities in the County retain their character.

Policy

It is the policy of the Board of Supervisors that:

A. Permanent Signs:

1. Eligibility/Purpose:

a. Signs are permitted in the County rights of way for the purpose of promoting traffic or public safety. Eligibility for directional signs shall be determined by the Director of Public Works in conformity with those regulations found in Section 4-04.13 of the Caltrans Traffic Manual addressing safety. A denial of eligibility may be appealed to the Planning Commission pursuant to Sections 7200-7206 of The Zoning Ordinance.

b. Public organizations and private organizations, such as bench advertising agencies, are eligible to place transit benches with and without advertising within the County rights of way. However, this policy shall not supersede adopted overlay zones or ordinances (Section 6203(a) of The Zoning Ordinance) which may restrict placement of benches with or without advertising within the County rights of way.

2. Encroachment Permit:

A revocable encroachment permit shall be obtained from the Department of Public Works prior to placement of all signs, benches, shelters, or chairs within the County rights of way.

The County may revoke a permit by giving 30 days notice to remove, in writing, to the permittee. The encroachment permit shall provide that if the sign has not been removed within this period, it may be removed and destroyed by the County at the permittee's expense.

3. Location:

a. Destination and Public Safety Signs:

(1) The location of all signs shall be approved by the Director of Public Works or the Director's representative to ensure traffic safety.

(2) Signs shall not be permitted within 100 feet of traffic signals or within 100 feet of official directional or regulatory signs (stop, speed, parking, etc.) on any street where such signs are located, or closer than 50 feet to transit loading zone signs.

(3) A sign may be placed at every decision point on the route to the destination. A minimum spacing of 60 meters between directional signs should be maintained. If there are more eligible destinations at a given intersection than can be accommodated under the above limitations and 3(a)(5) below, they must compete for signs based on traffic volumes to these destinations. Normally, destination signage is via the route requiring the least amount of time to travel from the nearest state highway. Neighborhood Watch signs are exempt from this subsection.

COUNTY SIGN INFORMATION

POLICY J-5 (Continued)

(4) Signs shall be installed in compliance with all sections of the Vehicle Code and safety laws.

(5) At locations where three or more directional signs are located within 200 feet, all shall be grouped on single posts and panels not to exceed a total of four destinations.

b. Transit Bench and Transit Shelter Advertising Signs:

The placement of transit benches and transit shelters with advertising signs shall be in compliance with Board of Supervisors Policy J-31 and Section 6203(1) of The Zoning Ordinance.

4. Construction Designs and Material of Signs:

a. Destination and Public Safety Signs:

(1) All signs shall be of permanent, durable materials, such as porcelain and enamel steel or other acceptable construction and of standard size in accordance with Caltrans standards, except community identification signs at the entrances to cities and towns.

(2) All signs shall be of standard material, design, shape, size and color (as approved by the Director of Public Works or a representative).

(3) A 3/8" black border 1/4" from the edge of the sign shall be provided.

(4) Not more than three lines of copy will generally be permitted with a minimum height of 2-1/4" plain capital block lettering, and all signs shall include an arrow at the bottom of the sign to indicate directions.

(5) No seals, emblems, or insignia, nor any other color paint will be permitted on signs.

(6) Posts for signs shall be 4" x 4", S4S, clear redwood, 11 feet long.

(7) Posts shall be painted with one prime coat and two coats of white lacquer enamel. The bottom 48" of the post shall have in addition one coat of black asphalt paint.

(8) The bottom of the posts shall be 2'6" below the ground or sidewalk level.

(9) The sign and post shall be so placed as to minimize the hazard to both pedestrian and vehicular traffic.

(10) The sign shall be attached to the post with two 5/16" galvanized carriage bolts.

b. Transit Bench and Transit Shelter Advertising Signs:

Construction, design and materials for transit benches and transit shelters with advertising signs shall be in compliance with Board of Supervisors Policy J-31 and Section 6203(1) of The Zoning Ordinance.

5. Illegal Signs:

Signs placed in the County rights of way contrary to the above provisions are illegal and will be removed by the County and destroyed. However, any signs existing prior to the adoption of this policy will be posted with a removal notice fastened securely to the sign or billboard to notify the owner the date that this sign will be removed by the County if not removed by owner.

6. Full Cost Recovery

Private parties requesting a sign shall pay all costs of processing, construction and installation by the Department of Public Works.

B. Temporary Election Campaign Signs:

1. For purposes of this Policy, Election Campaign Signs shall be defined as signs for elections conducted by the Registrar of Voters.

COUNTY SIGN INFORMATION

POLICY J-5 (Continued)

2. Temporary public election campaign posters may be permitted, subject to the following procedures:

a. The Registrar of Voters shall maintain copies of the Board policy relative to election posters and shall issue a copy to each candidate at the time the candidate's petition is issued.

b. In order to prevent a danger to motorists and pedestrians due to confusion and distraction, which may be caused due to the posting of signs in certain locations where they compete with traffic safety signs or interfere with visibility, it shall be necessary to obtain a revocable Encroachment Permit from the Director of Public Works.

(1) The maximum size of a poster shall be four square feet.

(2) The poster shall (on the back) identify the Encroachment Permit number.

(3) No sign shall be placed in the right of way earlier than 90 days prior to an election.

(4) The permit shall require the signer to obtain permission to place any signs on or attached to the property of others, and shall provide that the permit shall be revoked if the permittee uses the property of others without their permission. Nothing in the permit shall be taken to imply County permission to place signs on property of others.

(5) The permit shall require the permittee to remove his/her signs within two weeks after the election for which the permit was issued, and shall authorize the County to remove, without notification, signs not so removed by signer.

(6) In each instance and under the same conditions as the Policy permits temporary campaign signs, a sign containing a non-commercial message and constructed to the same physical dimensions and characteristics shall be permitted.

(7) The County shall charge for sign removal and the permittee shall, in signing his/her permit, agree to pay for County cost of removal of his/her signs.

Sunset Date

This policy will be reviewed for continuance by 12-31-09.

Board Action

10-18-65 (9)

County Engineer Letter 1-14-66

01-25-66 (86)

06-23-69 (98)

07-24-79 (41)

10-6-82 (56)

12-4-84 (14)

07-26-88 (43)

12-12-89 (49)

05-18-94 (3)

07-14-99 (4)

05-15-02 (3)

09-18-02 (5)

06-18-03 (9)

06-23-04 (12)

CAO Reference

1. Department of Public Works

2. Department of Planning and Land Use

SIGN INFORMATION (Continued)

SIGN ORDINANCES

Information on sign permits or complaints about illegal signs can be obtained from the numbers listed below.

INCORPORATED CITIES		
CITY	DEPARTMENT	TELEPHONE NUMBER
CARLSBAD	Planning Department	(760) 602-4610
CHULA VISTA	Planning Division	(619) 691-5101
CORONADO	Community Development	(619) 522-7326
DEL MAR	Planning/Code Enforcement	(858) 755-9313 Ext. 171
EL CAJON	Planning Department	(619) 441-1741
ENCINITAS	Code Enforcement	(760) 633-2685
ESCONDIDO	Code Enforcement	(760) 839-4650
IMPERIAL BEACH	Planning Department	(619) 628-2345
LA MESA	Planning Department	(619) 667-1177
LEMON GROVE	Community Development Department	(619) 825-3805
NATIONAL CITY	City Clerk	(619) 336-4228
OCEANSIDE	Code Enforcement	(760) 435-3963
POWAY	Planning Department	(858) 668-4600
SAN DIEGO	Permits Department	(619) 446-5100
SAN MARCOS	Code Enforcement Office	(760) 744-3024
SANTEE	Planning Department	(619) 258-4100 Ext. 152
SOLANA BEACH	Planning Department	(858) 720-2440
VISTA	Code Compliance Division	(760) 726-1340 Ext. 1464
STATE OF CALIFORNIA		
SEE PAGE 79 FOR DETAILS		(916) 654-4790
UNINCORPORATED AREAS OF SAN DIEGO COUNTY		
SEE PAGE 82 FOR DETAILS		(858) 694-2055